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PENNSYLVANIA BULLETIN

Volume 39

Number 20

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Pages 2425—2558

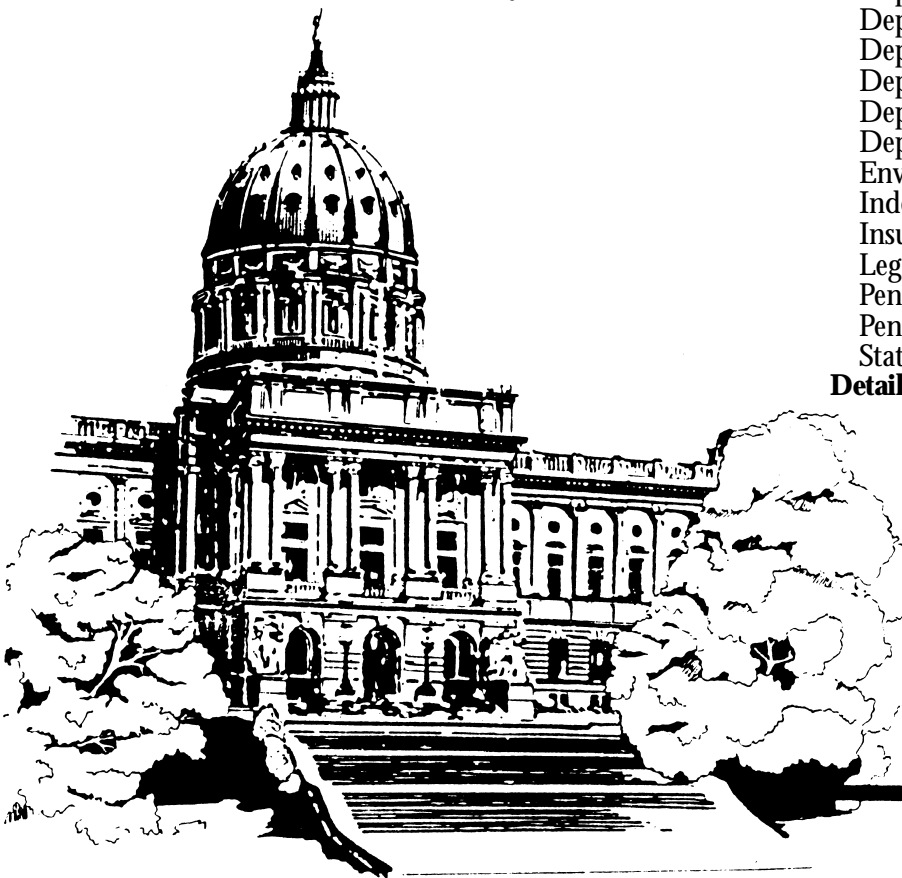
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 414, May 2009

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[204 PA. CODE CH. 71]

Amendment of Rules 204 and 311 of the Pennsylvania Bar Admission Rules; No. 472; Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 28th day of April, 2009, Rules 204 and 311 of the Pennsylvania Bar Admission Rules are amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate amendment of Pa.B.A.R. 204 and 311 is hereby found to be required in the interest of justice and efficient administration. This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and the amendment adopted hereby shall be effective immediately.

JOHN A. VASKOV,
Deputy Prothonotary
Supreme Court of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 204. Admission of domestic attorneys.

As an alternative to satisfying the requirements of Rule 203, an attorney, licensed to practice law in another state, may be admitted to the bar of this Commonwealth if the applicant meets the following requirements:

* * * * *

(3) Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over admission to the bar and the practice of law in every state or jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for admission to the bar shall not be eligible for admission to the bar of this Commonwealth.

* * * * *

(5) Presentation of proof satisfactory to the [board] Board that the applicant has either taken and passed the bar examination in a reciprocal state or has devoted a major portion of time and energy to the practice of law in

a reciprocal state for five years of the last seven years immediately preceding the date on which an application was filed under this [rule] Rule.

(6) [No] An applicant [will be admitted under this Rule] who [at any time] has taken and failed the Pennsylvania bar examination will not be admitted under this Rule. This provision does not apply to individuals who have passed the bar examination upon a subsequent attempt.

* * * * *

(8) Has passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Rule 203.

For purposes of this rule, the phrase "practice of law" is defined as engaging in any of the following legal activities, provided such activities were performed in a state in which the applicant was admitted to practice law or in a state that affirmatively permitted such activity by a lawyer not admitted to practice law in the jurisdiction:

* * * * *

(vii) Service on active duty in the United States military service[,] as a judge advocate [or law specialist,] as [those terms are] defined in the Uniform Code of Military Justice, 10 U.S.C. [Sec.] § 801, as amended.

* * * * *

Subchapter C. RESTRICTED PRACTICE OF LAW ATTORNEY PARTICIPANTS IN DEFENDER OF LEGAL SERVICES PROGRAMS

Rule 311. Attorney participants in defender or legal services programs.

(a) Scope. This rule applies to an attorney who is not a member of the bar of this Commonwealth [and who] but is qualified to practice in the courts of another state and who[]:

(1) is enrolled in a graduate criminal law or poverty law and litigation program in an accredited law school located in this Commonwealth; or

(2) after having completed the study of law in an accredited law school, [] is employed by or associated with an organized legal services program in this Commonwealth providing legal assistance to indigents in civil matters or a public defender's office or defender association in this Commonwealth providing legal assistance to indigents in criminal matters.

(b) General Rule. An attorney to which this rule applies shall be admitted to practice before the courts and magisterial district [justices] judges of this Commonwealth in all matters in which the attorney is employed by or associated with a public defender's office, an organized defender association, or an organized legal services program which [association or program] is sponsored, approved or recognized by the local county bar association. Admission to practice under this rule shall be limited to the matters specified in the preceding sentence.

(c) Application. An applicant [Motions] for [restricted] limited admission to practice under this rule shall [be made by filing one copy thereof with the

Prothonotary. The motion shall be in writing] file with the Board an application on a form prescribed by the Board [and] which shall include or be accompanied by[:

(1) A certificate of the highest court or agency of any other state having jurisdiction over admission to the bar and the practice of law stating that the applicant is in good standing at the bar of such court or in such state.

(2) A] a statement[:

(i)] signed by a representative of the [law school showing compliance with Paragraph (a)(1) of this rule] public defender's office, defender association; or

[(ii) signed by a representative of an] organized legal services program [showing compliance with Paragraph (a)(2) of this rule] indicating that the attorney will be employed by or associated with such entity.

Any such statement shall also contain an undertaking by the [school or] public defender's office, defender association or legal services program to notify the Prothonotary immediately whenever the attorney ceases to be [enrolled in] employed by or associated with such office, association or program.

The application shall be processed in accordance with the provisions of Rules 212 through 222.

(d) Requirements. The requirements for issuance of a limited license under this rule are:

1. Completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from an accredited law school;

2. Admission to the practice of law in another state, on active status at the time of filing the application;

3. Absence of prior conduct by the applicant which in the opinion of the Board indicates character and general qualifications incompatible with the standards expected to be observed by members of the bar of this Commonwealth; and

4. Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over the admission to the bar and the practice of law in every jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application shall not be eligible for a limited license under this rule.

5. An applicant who has taken and failed the Pennsylvania bar examination will not be admitted under this Rule. This provision does not apply to individuals who have passed the bar examination upon a subsequent attempt.

(e) Application Fee. An applicant for limited admission to practice under this Rule shall pay an application fee fixed by the Board.

(f) Issuance of License. [(c) Subscription and action. The motion for admission shall be subscribed by a member of the bar of this Commonwealth in

good standing. If the motion and related documents are in proper order] At any time within six months of the receipt of a certificate from the Board recommending the issuance of a limited license to practice in a public defender's office, defender association or legal services program, an applicant may file a motion with the Prothonotary, on a form prescribed by the Board for issuance of such license. The motion shall be accompanied by the certificate from the Board recommending issuance of the license and the fee required by the Prothonotary. Upon receipt of the appropriate documents and fee, the Prothonotary shall enter the name of the applicant upon the docket of persons specially admitted to the bar of this Commonwealth subject to the restrictions of this rule and shall issue an appropriate certificate in evidence thereof.

[(d)] (g) *Expiration of [admission] Admission.* When an attorney admitted under this rule ceases to be [enrolled] employed by or associated [in] with an office, association or a program as set forth in the motion previously filed, a written statement to that effect shall be filed with the Prothonotary by a representative of the [law school] public defender's office, defender association or legal services program. Admission to practice under this rule shall expire after 30 months, unless the Court for good cause shown shall extend such period in an individual case, or when the attorney ceases to be [enrolled in] employed by or associated with such office, association or program, whichever shall first occur.

[(e)] (h) *Enforcement [rules] Rules.* The Enforcement Rules shall be applicable to an attorney admitted under this rule.

[Pa.B. Doc. No. 09-872. Filed for public inspection May 15, 2009, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Order Amending Rule of Criminal Procedure 119; No. 378; Doc. No. 2

Order

Per Curiam:

Now, this 4th day of May, 2009, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comment to Rule of Criminal Procedure 119 is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No.103(b), and shall be effective immediately.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION
AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

**Rule 119. Use of Two-Way Simultaneous Audio-
Visual Communication in Criminal Proceedings.**

* * * *

Comment

* * * *

Nothing in this rule is intended to limit any right of a defendant to waive his or her presence at a criminal proceeding in the same manner as the defendant may waive other rights. See, e.g., Rule 602 Comment. Negotiated guilty pleas when the defendant has agreed to the sentence, [and] probation revocation hearings, and hearings held pursuant to Rule 908(C) and the Post Conviction Relief Act, 42 Pa.C.S. §§ 9541 et seq., are examples of hearings in which the defendant's consent to proceed using two-way simultaneous audio-visual communication would be required. Hearings on post-sentence motions, bail hearings, bench warrant hearings, extradition hearings, and *Gagnon* I hearings are examples of proceedings that may be conducted using two-way simultaneous audio-visual communication without the defendant's consent. It is expected the court or issuing authority would conduct a colloquy for the defendant's consent when the defendant's constitutional right to be physically present is implicated.

* * * *

Official Note: New Rule 118 adopted August 7, 2003, effective September 1, 2003; renumbered Rule 119 and Comment revised June 30, 2005, effective August 1, 2006; amended January 27, 2006, effective August 1, 2006; **Comment revised May 4, 2009, effective August 1, 2009.**

Committee Explanatory Reports:

* * * *

Final Report explaining the May 4, 2009 revision to the Comment adding PCRA hearings as a proceeding to which the defendant may consent to be held using ACT published with the Court's Order at 39 Pa.B. 2434 (May 16, 2009).

FINAL REPORT¹*Revision to the Comment to Pa.R.Crim.P. 119***CONSENT TO USE OF TWO-WAY SIMULTANEOUS
AUDIO-VISUAL TECHNOLOGY AT POST
CONVICTION RELIEF ACT HEARINGS**

On May 4, 2009, effective August 1, 2009, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision of the Comment to Rule 119 (Use of Two-Way Simultaneous Audio-Visual) to clarify that a hearing held pursuant to Rule 908(C) for purposes of the Post-Conviction Relief Act (PCRA), may utilize two-way simultaneous audio-visual communication, but only if the defendant consents.

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

This revision originated with a question to the Committee from a member of the Attorney General's Office regarding the interplay between Rule 119, that permits the use of two-way simultaneous audio-visual communication in certain criminal proceedings, and Rule 908, that provides the procedures for Post-Conviction Relief Act (PCRA) hearings. The inquirer queried whether Rule 119 technology may be used to conduct PCRA hearings as a matter of course or whether the defendant has a right to appear in person at a Rule 908 PCRA hearing.

The Committee examined the history of then-Rule 1508 (now Rule 908). Noting that the rule included from its inception the requirement that the judge permit the defendant to be present at the hearing, the Committee concluded that the defendant's interests in the hearing were such that the hearing could not be held using advanced communications technology over the defendant's objection. However, the Committee also believes that there might be circumstances under which a defendant would wish to waive personal appearance for this type of proceeding. For example, transportation to attend a PCRA hearing in a county distant from the defendant's place of incarceration might entail a lengthy absence and result in the loss of certain privileges at the place of incarceration.

Therefore, the Court has approved a revision of the Comment to Rule 119 to clarify that a PCRA hearing may be held using two-way simultaneous audio-visual communication if the defendant consents to proceed in this manner.

[Pa.B. Doc. No. 09-873. Filed for public inspection May 15, 2009, 9:00 a.m.]

[234 PA. CODE CHS. 4 AND 10]**Proposed New Pa.R.Crim.P. 1037 and Revisions to
the Comment to Pa.R.Crim.P. 462****Introduction**

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rule 1037 regarding appeals for trial de novo from the Philadelphia Traffic Court. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel
 Supreme Court of Pennsylvania
 Criminal Procedural Rules Committee
 5035 Ritter Road, Suite 100
 Mechanicsburg, PA 17055

fax: (717) 795-2106
 e-mail: criminal.rules@pacourts.us

no later than Friday, June 19, 2009.

*By the Criminal Procedural
 Rules Committee*

D. PETER JOHNSON,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial De Novo

Rule 462. Trial De Novo.

* * * *

Comment

* * * *

For the procedures for appeals from the Philadelphia Traffic Court, see Rule 1037.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007; amended December 16, 2008, effective February 1, 2009; **Comment revised**, 2009, effective , 2009.

Committee Explanatory Reports:

FORMER RULE 86:

* * * *

NEW RULE 462:

* * * *

Report explaining proposed Comment revision regarding new Rule 1037 and procedures for the appeal from the Philadelphia Traffic Court published at 39 Pa.B. 2435 (May 16, 2009).

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA TRAFFIC COURT

(Editor's Note: The following section is new. The text has been printed in regular print to enhance readability.)

PART B. Philadelphia Traffic Court Procedures

Rule 1037. Appeal from Summary Conviction.

(A) When a defendant appeals after the entry of a guilty plea or a conviction in any summary proceeding in the Philadelphia Traffic Court, upon the filing of the transcript and other papers by the Traffic Court, the Court of Common Pleas may schedule a status or settlement conference prior to the de novo summary trial.

(1) In the event the attorney for the Commonwealth or a designee and the defendant reach a negotiated plea, the plea may be entered before a Trial Commissioner and, upon approval by a judge of the Court of Common Pleas, the negotiated sentence will be recorded.

(2) In the event a negotiated plea is not reached or is not approved by the court, the case shall be heard de novo by a judge of the Court of Common Pleas sitting without a jury.

(B) The attorney for the Commonwealth may appear and assume charge of the prosecution. When no attorney appears on behalf of the Commonwealth, the affiant may be permitted to ask questions of any witness who testifies.

(C) In appeals from summary proceedings in the Philadelphia Traffic Court, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(1) the defendant waives the presence of the law enforcement officer in open court on the record;

(2) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant if proceeding pro se, with the clerk of courts; or

(3) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

(D) If the defendant fails to appear for the trial de novo,

(1) when the appeal is from a mandatory sentence of imprisonment, the Court of Common Pleas judge shall dismiss the appeal, enter judgment in the Court of Common Pleas on the judgment of the Traffic Court judge, and issue a bench warrant and a commitment for the defendant. Execution of the sentence shall commence immediately upon defendant's arrest; and

(2) in all other cases, the Common Pleas Court judge may dismiss the appeal and enter the judgment in the Court of Common Pleas on the judgment of the Traffic Court judge.

(E) If the defendant withdraws the appeal, the Court of Common Pleas judge shall enter the judgment in the Court of Common Pleas on the judgment of the Traffic Court judge.

(F) At the time of sentencing, the Court of Common Pleas judge shall:

(1) if the defendant's sentence includes a fine or costs and the defendant has the financial means to pay the amount in a single remittance, the judge shall instruct the defendant to make the payment at the Philadelphia Traffic Court. If the defendant is without the financial means to pay the amount in a single remittance, the judge shall instruct the defendant to contact the Philadelphia Traffic Court to establish an installment payment plan;

(2) advise the defendant of the right to appeal to the Superior Court within 30 days of the imposition of sentence, and that, if an appeal is filed, the execution of sentence will be stayed and the judge may set bail;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(4) issue a written order imposing sentence, signed by the judge. The order shall include the information specified in paragraphs (F)(1) through (F)(3), and a copy of the order shall be given to the defendant and to the Traffic Court.

(G) After sentence is imposed by the Court of Common Pleas judge, and either after the expiration of the time to file an appeal to the appellate courts, or, if a sentence of imprisonment has been imposed, after the execution of the sentence of imprisonment, the case shall be returned to the Philadelphia Traffic Court for the collection of any outstanding fines and costs and for all other appropriate action.

Comment

This rule was adopted in 2009 to provide the procedures for appeals from the Philadelphia Traffic Court to the Court of Common Pleas of the First Judicial District. Except as provided in this rule, the procedures of Rules 460, 461 and 462, governing appeals for a trial de novo in summary cases, shall apply to summary case appeals in the Philadelphia Traffic Court.

For purposes of this rule, "judgment" means the determination of guilty and any sentence imposed on the defendant.

The date upon which payment is due upon a sentence of a fine or costs ordinarily will be 30 days following imposition of sentence.

Official Note: Rule 1037 adopted , 2009, effective , 2009.

Committee Explanatory Reports:

Report explaining proposed new Rule 1037 concerning procedures for the appeal from the Philadelphia Traffic Court published at 39 Pa.B. 2435 (May 16, 2009).

REPORT

Proposed New Pa.R.Crim.P. 1037 and Revisions to the Comment to Pa.R.Crim.P. 462

PHILADELPHIA TRAFFIC COURT APPEALS

As part of its oversight of the rules governing procedures in the Philadelphia Traffic Court, the Committee was asked by the Traffic Court to examine several aspects of appeal procedures. As discussed more fully below, due to the high volume of cases and unique circumstances of the Traffic Court, practices have developed in the Philadelphia Traffic Court that are not explicitly provided for in the rules. The Committee therefore formed a Subcommittee¹ with several representatives of the Traffic Court and the First Judicial District to develop rule changes that would address some of these differences.

Upon the recommendation of this Subcommittee, the Committee is proposing new Rule 1037 that would provide the procedures for appeals from the Philadelphia

Traffic Court to the Court of Common Pleas. It would replace the Rule 462 appeal procedures for the Traffic Court. However, except where Rule 1037 differs, the procedures in Rules 460 and 461 still would apply.

The proposed new rule would address three areas: (1) general appeal procedures; (2) procedures addressing failures to appear for appeal; and (3) procedures related to the collection of fine and costs.

Appeal Procedures

As stated above, due to the high volume of cases in the Traffic Court and the significant numbers of appeals from Traffic Court, local practices have developed that vary from the strict letter of Rule 462 procedures. These variations do not adversely affect the rights of the parties and provide an efficient and effective method of adjudicating appeals arising from the Traffic Court. The Committee believes that an explicit recognition of these procedures in the rules would remove any confusion about them.

Currently, upon the filing of a Notice of Appeal in the Traffic Court, a summary trial date is assigned for an appearance at the Court of Common Pleas. The Traffic Court Docket and record is then forwarded to the Court of Common Pleas. On the summary trial date, a conference is conducted by a Trial Commissioner at which the defendant and a representative of the District Attorney's Office appear for purposes of negotiating a plea. If the parties agree on a plea, the plea is approved by a Common Pleas judge. If a plea cannot be agreed upon, a de novo summary trial is subsequently conducted by a Common Pleas judge. If the defendant pleads or is found guilty and sentenced, payment of any fine and costs is directed to the Traffic Court. The Traffic Court receives and distributes all payments of outstanding fines and costs and, as authorized by Rule 456, may issue and modify installment payment orders and may issue warrants for a defendant's arrest for nonpayment.

These procedures would be formally recognized in paragraphs (A), (F) and (G) of new Rule 1037. Paragraphs (B) and (C) would provide the existing Statewide practice of permitting the attorney of the Commonwealth, or in his or her absence, the affiant to conduct the trial de novo and requiring the law enforcement officer's appearance unless waived to be applicable in Traffic Court appeals.

Failure to Appear

The proposal also intends to clarify the procedures for the execution of bench warrants issued when the defendant has failed to appear for the trial de novo in the Court of Common Pleas, especially in those cases that involve a mandatory sentence of incarceration. It was unclear under the current practice whether the Common Pleas judge could dismiss the appeal and have a warrant issued for the defendant to be taken for service of the sentence. Therefore, paragraph (D) would provide that, in a failure to appear case, the appeal would be dismissed and the judgment of the Traffic Court entered in the Court of Common Pleas. If the case involves a sentence of mandatory incarceration, a bench warrant would be issued by the Court of Common Pleas along with the issuance of a commitment order. The warrant would contain the notation that defendant is already sentenced and would therefore be taken directly to serve his or her sentence.

¹The Subcommittee consisted of Dominic Rossi, Philadelphia Deputy Court Administrator, Legal Services; Traffic Court Administrative Judge Bernice De Angelis; David Wasson, Chief Deputy Court Administrator, First Judicial District; and Robert DeEmilio, Deputy Court Administrator of the Philadelphia Traffic Court. Charles J. Grant, Esq. and John Delaney, Esq. were the Criminal Procedural Rules Committee representatives.

It should be noted that the hearing requirement of Rule 150 (Bench Warrants) is currently being satisfied in the First Judicial District by the fact that a Trial Commissioner conducts these hearings at the Philadelphia County Prison whenever a defendant is arrested on a bench warrant or surrenders himself or herself at the Traffic Court.

Fines and Costs

The proposal also authorizes an exemption from the general policy of the Pennsylvania Supreme Court that once a case has gone up from a minor court to a court of common pleas, no remand to the minor court should be allowed.² After the initial policy of no remands was developed, the Philadelphia Traffic Court was excluded from the policy for purposes of the payment and collection of fine and costs. This exemption was stated as part of an amendment to Traffic Court procedures adopted by the Court in 2005.³ Specifically, the Final Report to that Recommendation stated:

b. Trial de novo

Another issue concerns the 2003 changes to the Criminal Rules that clarify once a case is appealed for a trial de novo, the case is to remain in the common pleas court for disposition. This procedure is contrary to what is occurring in Philadelphia. Both Traffic Court and Philadelphia Common Pleas Court have serious concerns about the significant burden the statewide procedure would have on the Common Pleas Court, especially given the extraordinary number of cases involved and the amount of the fines and costs owed. Both courts note the current practice of returning the cases to Traffic Court for collection following the trial de novo works efficiently and has been successful.

However, because this exemption was not stated in the rules themselves, questions about these procedures continue to persist. Therefore, paragraph (G) would provide that, either after the expiration of the time to file an appeal to the appellate courts, or, if a sentence of imprisonment has been imposed, after the execution of the sentence of imprisonment, the case is to be remanded to the Traffic Court for the collection of any outstanding fines and costs. The Traffic Court would also perform "all other appropriate action" such as requesting that the Pennsylvania Department of Transportation suspend the defendant's operating privilege if the defendant failed to comply with the payment plan, and be able to use the remedies set forth in Rule 456 if the defendant failed to comply with the payment plan.

Finally, in order to ensure the defendant understands this process, upon sentencing after the appeal, Common Pleas judge is required to advise the defendant that he or she has 30 days to pay the fines and costs in full or to contact the Traffic Court to renegotiate the payment plan.

[Pa.B. Doc. No. 09-874. Filed for public inspection May 15, 2009, 9:00 a.m.]

²The most recent statement of this policy was contained in a September 28, 2006 letter from then-Chief Justice Cappy to all President Judges, emphasizing this point.

³See 35 Pa.B. 5239 (September 24, 2005).

Title 255—LOCAL COURT RULES

MERCER COUNTY

Administrative Fee for Non-DUI ARD; Criminal No. 1 AD 2009

Administrative Order

And Now, April 22, 2009, non-DUI ARDs shall pay an administrative ARD fee of \$150, the same fee as DUI ARDs. Because it is a fee generated outside of Chapter 75 of *Purdon's (Motor Vehicle Code)*, it is not subject to the distribution scheme of 42 Pa.C.S.A. § 3571 and § 3573. Accordingly, \$100 of said fee shall be placed in the Mercer County Court DUI Administration Fund; and \$50 shall be distributed to the Clerk of Courts' Automation Fee Account.

By the Court

FRANCIS J. FORNELLI,
President Judge

[Pa.B. Doc. No. 09-875. Filed for public inspection May 15, 2009, 9:00 a.m.]

MERCER COUNTY

Civil Division L1920.52; No. 2009-1620

Order

And Now, this 23rd day of April, 2009, the court hereby *Approves, Adopts and Promulgates* Mercer County Local Rule of Civil Procedure L1920.52, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure.

It is also *Ordered and Directed* that the Court Administrator of Mercer County shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy with the Civil Procedural Rules Committee.

It is further *Ordered and Directed* that Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of the Local Rules.

A copy of this New Rule shall be published in the *Mercer County Law Journal*.

By the Court

FRANCIS J. FORNELLI,
President Judge

Rule L1920.52. Hearing By Master. Reporter Fee. Continuances.

(a) The Court Reporter fee for Master's Hearings will be one hundred (\$100) dollars per party.

(1) If there are no continuances of the Master's Hearing, the parties may request and will receive a refund of fifty (\$50) per party once the Hearing has been completed.

(2) The Hearing may be continued without a loss of the refund if the continuance is requested more than ten (10) days prior to the Hearing date; or if the President Judge has approved a continuance necessitated by a required appearance in the Common Pleas Court or other extenuating circumstance within ten (10) days of the hearing.

(b) Once a Master's Hearing has been scheduled, any settlement reached by the parties less than ten (10) days prior to the Hearing must be placed on the record before the Master. The parties and their counsel must still attend the Hearing although participation may occur by telephone if feasible.

(c) All requests for continuances of a Master's Hearing (not conference) must be made in writing to the Master.

(1) If opposing counsel does not consent and/or the Master does not grant the request, a Motion to Continue may be filed with the President Judge.

[Pa.B. Doc. No. 09-876. Filed for public inspection May 15, 2009, 9:00 a.m.]

WASHINGTON COUNTY

Local Rules; Actions for Support L-1910.5—Complaint, Order of Court, Continuances; Action of Divorce or Annulment of Marriage L-1920.33—Joinder of Related Claims, Distribution of Property, Enforcement; and Rules Relating to Domestic Relations Matters Generally L-1930.8—Sanctions; Civil Division; No. 2009-1

Order

And Now, this 23rd day of April, 2009; *It Is Hereby Ordered* that the above-stated Washington County Local Rules be adopted as follows.

These rules will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

DEBBIE O'DELL SENECA,
President Judge

ACTIONS FOR SUPPORT

L-1910.5. Complaint. Order of Court. Continuances.

(d) Motions for continuances of proceedings before the Hearing Officer or Conference Officers will be presented by the moving party to the Family Court Judge to whom the case is assigned in Motions Court prior to the scheduled proceeding. The moving party will file the order granting or denying the continuance in the Domestic Relations Section. The moving party will file a copy of the Notice of Presentation of the Continuance Motion and the Continuance Motion in the Domestic Relations Section prior to presenting the motion for continuance to the Court.

(e) A \$25.00 fee will be charged for continuances. Except in the case of an emergency, when a party seeks and receives a continuance on the day of a scheduled conference or hearing the party will be charged a \$75.00 fee. A party who receives a continuance and who fails to file a copy of the Notice of Presentation and the Continuance Motion in the Domestic Relations Section prior to presenting the motion for continuance to the Court as required in paragraph b, shall be charged an additional \$50.00 fee. The fee will be paid by the moving party to

the Domestic Relations Section when the signed Motion and Continuance Order are filed. The fee shall be paid in the form of a check or money order payable to the Washington County Domestic Relations Section.

(g) The Notice of Presentation of the Continuance Motion shall include the date of service of the motion upon the opposing counsel or the opposing party, if unrepresented, and the date of service of the motion upon the Domestic Relations Section.

ACTION OF DIVORCE OR ANNULMENT OF MARRIAGE

L-1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.

(c)(1) During a proceeding before a Master in a Divorce Case, a party who fails to comply with the requirements of subdivision (a) and (b) of Pa.R.C.P. No. 1920.33 shall, except upon good cause shown, be barred from offering any testimony or introducing any evidence in support of or in opposition to claims for the matters not covered therein.

(c)(2) During a proceeding before a Master in a Divorce Case, a party shall, except upon good cause shown, be barred from offering any testimony or introducing any evidence that is inconsistent with or which goes beyond the fair scope of the information set forth in the pre-trial statement.

RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

L-1930.8. Sanctions.

The Master in a Divorce Case, the Hearing Officer in an Action for Support, or a Child Custody Conference Officer in a Child Custody Case may invoke appropriate sanctions for failure to comply with Pennsylvania Rules of Civil Procedure or Local Rules or for conduct which is vexatious or which unreasonably serves to delay proceedings or make them more complicated. Appropriate sanctions include, but are not limited to, one or more of the following: a negative inference may be drawn against the party; the meeting, conference or hearing may be rescheduled with the assessment of a continuance fee; the party who fails to comply with the rules may be barred from offering any testimony or introducing any evidence on the issue at bar; or other sanctions reasonably designed to ensure compliance with these rules and respect for the proceedings may be imposed.

[Pa.B. Doc. No. 09-877. Filed for public inspection May 15, 2009, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated April 3, 2009, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which they are assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective May 3, 2009, for Compliance Group 2 due August 31, 2008.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Abatemarco, Peter Vincent
Flemington, NJ

Alice, John Anthony
Woodbury, NJ

Ardizzone, Dale Steadwell
Charlotte, NC

Bailey, Kathy Dianne
Washington, DC

Bisceglie Jr., Angelo R.
West Paterson, NJ

Brentzel, Cathy Marie
Washington, DC

Clarke, Caroline Nadine
Trenton, NJ

Connolly, David Joseph
Nokomis, FL

DiLazzero, Jeffrey Alan
Vineland, NJ

Dickey Jr., William H.
Charlottesville, VA

Dimento, Anthony F.
Cherry Hill, NJ

Dolan, James Lawrence
East Syracuse, NY

Donegan Jr., John F.
Cherry Hill, NJ

Duclair, Andrew Moises
Voorhees, NJ

Fazio, Roy Christopher
Englewood, CO

Flynn, Richard M.
Gloucester, NJ

Fornias III, Edward J.
Wilmington, DE

Friedman, Jeffrey Scott
Wilmington, DE

Gizis, Dawn Michele
Oxford, NJ

Gordon, John Edward
Trappe, MD

Grill, Michael Nicholas
Scotch Plains, NJ

Grossman, Joseph S.
Charlotte, NC

Haley, Roger T.
Trenton, NJ

Hammons Jr., Terrence Gordon
England

Handler, Carole Enid
Los Angeles, CA

Harrington, Michael Matthew
Boston, MA

Hatfield, Yvette Cecilia
Bowie, MD

Herbert, Lenese Corine
Albany, NY

Howard, James Elliot
Brooklyn, NY

Karson III, Miles K.
Washington, DC

Kassen, Louis A.
Cherry Hill, NJ

Kish, Jessica Helene
Concord, MA

Knapp, Josiah
Cherry Hill, NJ

Le Bon, Raymond T.
Edgewater Park, NJ

Lemmer, William Clarence
Houston, TX

Levy, Jonathan Deitz
Princeton, NJ

Luo, Li-Hua
China

Marenberg, Roxane Sokolove
San Jose, CA

Mariano, Randy A.
Wilmington, DE

Martha, J. Paul
San Diego, CA

Martin Jr., Clarence Augustus
Los Angeles, CA

McClure, Ann
Hartford, CT

McCormick, Brian Arthur
Annapolis, MD

Mills, James D.
Venice, FL

Mincarelli, Jan Paul
Washington, DC

Misci Jr., John A.
Blackwood, NJ

Mulvaney, Amanda Leigh
Hackettstown, NJ

North, Thomas M.
Woodbury, NJ

Olsen, Christopher George
Mount Laurel, NJ

Pappas, Clement Dimitri Dean
Carneys Point, NJ

Paul, Michael G.
Metuchen, NJ

Phiefer, Leslie Lyn
Lafayette, NJ

Rosen, Daniel Mark
Boston, MA

Ruch Jr., Joseph J.
Washington, DC

Santore Jr., August Nunzio
Berkeley Heights, NJ

Senko, Vincent J.
Harrisonburg, VA

Senter, Julian F.
Baltimore, MD

Silverman, Ian Robert
Arlington, MA

Sokol, William George
Mount Laurel, NJ

Sterling, Marc Howard
Hong Kong

Stickles, Steven A.
Steubenville, OH

Tobin, Frances
Atherton, CA

Torkelson, Christopher E.
Trenton, NJ

Weinig, Gregory John
Wilmington, DE

Wolfe, Mauro M.
Mountainside, NJ

Zuckerman, Joel Robert
Boys, MD

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 09-878. Filed for public inspection May 15, 2009, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending May 5, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-22-2009	Great Bear Bank Allentown Lehigh County	Allentown	Approval Withdrawn

Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-30-2009	Affinity Interim Bank Wyomissing Berks County	Wyomissing	Approved and Effective

The purpose of Affinity Interim Bank, Wyomissing, is to merge with Affinity Bank of Pennsylvania, Wyomissing, to facilitate the proposed reorganization of Affinity Bank of Pennsylvania into a bank holding company structure whereby Affinity Bank of Pennsylvania will become the wholly-owned subsidiary of Affinity Bancorp, a new holding company in formation.

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-29-2009	Chemung Financial Corporation, Elmira, NY, to acquire 100% of Canton Bancorp, Inc., Canton, PA, and thereby indirectly acquire Bank of Canton, Canton, PA, which will subsequently merge with and into Chemung Canal Trust Company, Elmira, NY, a wholly-owned subsidiary of Chemung Financial Corporation	Elmira, NY	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-29-2009	NOVA Bank, Berwyn, and Pennsylvania Business Bank, Berwyn Surviving Institution: NOVA Bank, Berwyn	Berwyn	Approved
5-4-2009	Affinity Interim Bank, Wyomissing, and Affinity Bank of Pennsylvania, Wyomissing Surviving Institution: Affinity Interim Bank, Wyomissing, continuing under the name "Affinity Bank of Pennsylvania"	Wyomissing	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	Application filed in conjunction with the proposed reorganization of Affinity Bank of Pennsylvania, Wyomissing, into a bank holding company structure whereby Affinity Bank of Pennsylvania will become the wholly-owned subsidiary of Affinity Bancorp, a new holding company in formation.		

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-29-2009	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	Route 248 and Corriere Road Lower Nazareth Township Northampton County	Approved
5-4-2009	Quaint Oak Bank Southampton Bucks County	1710 Union Boulevard Allentown Lehigh County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-29-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>To:</i> 537 Baltimore Pike Springfield Delaware County <i>From:</i> 410 West Baltimore Pike Clifton Heights Delaware County	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-24-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 2 West Main Street Mechanicsburg Cumberland County <i>From:</i> Main and Filbert Streets Mechanicsburg Cumberland County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-24-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	70 Buckwalter Road Royersford Montgomery County	Closed
4-24-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	8423 Frankford Avenue Philadelphia Philadelphia County	Closed
4-24-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	636 Broadway McKees Rocks Allegheny County	Closed
4-24-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	5925 Sixth Avenue Altoona Blair County	Closed
4-24-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1500 Garrett Road Upper Darby Delaware County	Closed
4-24-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	815 East 38th Street Erie Erie County	Closed
4-24-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	45 East Main Street Dallastown York County	Closed
4-24-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	33 West Gay Street West Chester Chester County	Closed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-25-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	5045 Township Line Road Drexel Hill Delaware County	Closed
4-25-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	512 Pennsylvania Avenue Fort Washington Montgomery County	Closed
4-29-2009	Union Bank and Trust Company Pottsville Schuylkill County	101 South Front Street Auburn Schuylkill County	Filed
4-30-2009	Lafayette Ambassador Bank Easton Northampton County	215 Robinson Avenue Pen Argyl Northampton County	Closed
5-4-2009	Northwest Savings Bank Warren Warren County	325 Center Street Chardon Geauga County, OH	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
4-15-2009	Affinity Bank of Pennsylvania Wyomissing Berks County	Amend the Sixth Article of the Articles of Incorporation	Filed
	Amendment to the Sixth Article of the institution's Articles of Incorporation provides for the issuance of common stock and preferred stock.		
5-5-2009	Jonestown Bank and Trust Company of Jonestown, PA Jonestown Lebanon County	Amend Article V of the Articles of Incorporation	Approved and Effective
	Amendment to Article V of the institution's Articles of Incorporation excludes from otherwise applicable preemptive rights of shareholders the offer and sale of common stock under a dividend reinvestment and stock purchase plan (or similar plan) approved by the Board of Directors in which holders of the outstanding shares are eligible to participate (subject to the terms and conditions of the plan).		

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-1-2009	Alcose Credit Union, White Oak and Basil Community Credit Union, Pittsburgh Surviving Institution: Alcose Credit Union, White Oak	White Oak	Effective
	The sole office of Basil Community Credit Union, at the following location, will be operated as a branch office of Alcose Credit Union:		
		1732 Brownsville Road Pittsburgh Allegheny County	

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-879. Filed for public inspection May 15, 2009, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2009

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of June 2009, is 6%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.39 to which was added 2.50 percentage points for a total of 5.89 that by law is rounded off to the nearest quarter at 6%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-880. Filed for public inspection May 15, 2009, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting Notice

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, May 27, 2009, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CLIFFORD C. DAVID, Jr.,
Chairperson

[Pa.B. Doc. No. 09-881. Filed for public inspection May 15, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Timothy Stitch for Reinstatement of Teaching Certificate; Doc. No. Re 09-01

Hearing

Under the Professional Educator Discipline Act (24 P. S. §§ 2070.1—2070.18a) (act), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Timothy Stitch for reinstatement of his teaching certificate.

On or about January 27, 2009, Timothy Stitch filed an application for reinstatement of his teaching certificate under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Under section 16 of the act, the Department of Education on April 27, 2009, opposed the reinstatement application. In accordance with the act, and the 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary, and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties who desire to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,
Executive Director

[Pa.B. Doc. No. 09-882. Filed for public inspection May 15, 2009, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0035726	Camp Ramah The Pavilion Suite 734 261 Old York Road Jenkintown, PA 19046	Wayne County Buckingham Township	UNT to Equinunk Creek 1A	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0081141 (Sew)	Locustwood Mobile Home Park Box 251 Morgantown, PA 19543	Lancaster County East Cocalico Township	UNT to Little Cocalico Creek 7-J	Y
PA0051641 (Sew)	Historical and Museum Commission—Daniel Boone Homestead 400 Daniel Boone Road Birdsboro, PA 19508	Berks County Exeter Township	Owatin Creek 3-C	Y
PA0082937 (IW)	RR Donnelley and Sons Company—Lancaster West Facility 1375 Harrisburg Pike Lancaster, PA 1760-12612	Lancaster County Lancaster City	UNT Little Conestoga Creek 7-J	Y
PA0051781 (IW)	Reading Area Water Authority—Maiden Creek Reading City Hall 815 Washington Street Reading, PA 19601	Berks County Ontelaunee Township	Maiden Creek 3-B	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0233617	Central PA Water Treatment, LLC 476 Rolling Ridge Drive Suite 300 State College, PA 16801	Clinton County Wayne Township		Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102911	Girl Scouts of Western PA 5681 Route 6N Route 285 Conneaut Lake, PA 16316	Sadsbury Township Crawford County	UNT to Conneaut Outlet 16-D	Y
PA0001945	CEMEX Wampum Cement Plant 2001 Portland Park Wampum, PA 16157	Wampum Borough Lawrence County	Beaver River and UNTs of the Beaver River 20-B	Y
PA0020541	Girard Borough Wastewater Treatment Plant Waterworks Park Drive Girard, PA 16417	Girard Borough Erie County	Elk Creek 15	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

PA0012190, Industrial Waste, SIC 3356, **Mueller Streamline Company, d/b/a Precision Tube Company**, 287 Wissahickon Avenue, North Wales, PA 19454. This existing facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge noncontact cooling water and stormwater from a facility that manufactures nonferrous tubing. There is no discharge of process wastewater.

The receiving stream, Wissahickon Creek, is in the State Water Plan Watershed 3F and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River.

The proposed effluent limits for Internal Monitoring Point 102 are based on a design flow of 0.002 mgd for the noncontact cooling water:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature					110° F
pH, (Standard Units)			6.0 min		9.0
Copper, Total				Monitor	
Hardness as CaCO ₃				Monitor	

The proposed effluent limits for Outfall 002 are based on a design flow of an average storm event:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				Monitor	
COD				Monitor	
pH (Standard Units)				Monitor	
Oil and Grease				Monitor	
Total Suspended Solids				Monitor	
Total Kjeldahl Nitrogen				Monitor	
Total Phosphorus				Monitor	
Total Iron				Monitor	
Total Lead				Monitor	
Total Chromium				Monitor	
Total Copper				Monitor	
Total Cadmium				Monitor	
Total Arsenic				Monitor	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures if Public Nuisance.
2. Small Stream Discharge.
3. Change in Ownership.
4. Thermal Requirement.
5. Sampling Requirement for NCCW.
6. Stormwater Requirements.

PA0036200, Sewage, **Radley Run Mews Sewer Association**, P. O. Box 84, Pocopson, PA 19382. This existing facility is located in Birmingham Township, **Chester County**.

Description of Proposed Activity: This application requests renewal of the NPDES permit for an existing discharge of treated sewage from the Radley Run Mews sewage treatment plant.

The receiving stream, Plum Run, is in the State Water Plan Watershed 3H and is classified for: WWF, MF and the Statewide water uses of aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.032 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	6.67		25		50
Total Suspended Solids	8.0		30		60
Ammonia as N	5.34		20		40
Fecal Coliform			200/100 ml (Geometric Mean)		1,000/100 ml
Dissolved Oxygen			3.0 (Minimum)		
pH (Standard Units)			6.0 (Minimum)		9.0
Total Residual Chlorine			0.6		1.5
Phosphorus as P (4-1 to 10-31)	0.53		2.0		4.0
(11-1 to 3-31) (years 1 and 2)	Monitor and Report		Monitor and Report		
(11-1 to 3-31) (years 3—5)	0.53		2.0		4.0
Total Nitrogen (years 1 and 2)	Monitor and Report		Monitor and Report		

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Operator.
2. Effective Disinfection.
3. Abandon STP When Municipal Sewers Available.
4. Remedial Measures if Unsatisfactory Effluent.
5. No Stormwater.
6. Acquire Necessary Property Rights.
7. Change of Ownership.
8. Total Residual Chlorine Requirement.
9. Sludge Disposal Requirement.
10. Instantaneous Maximum Requirements.
11. 2/Month Sampling.
12. Small Stream Discharge.
13. Laboratory Certification.
14. Certified Operator.
15. Fecal Coliform I-Maximum Reporting.
16. Fecal Coliform 10% Rule.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PA0061051, Sewage, **Farda Realty Associates, LP**, P. O. Box 130, Tannersville, PA 18372. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Activity:

The receiving stream, UNT to Pocono Creek, is in the State Water Plan Watershed 1E and is classified for: HQ-CWF. The nearest downstream public water supply intake for City of Easton is located 33 miles below the point of discharge. The proposed effluent limits for Outfall 001 based on a design flow of 0.20 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10.0		20.0
Total Suspended Solids	10.0		20.0
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorus as "P"	1.0		2.0
Dissolved Oxygen	A minimum of 7.0 mg/l at all times.		
Fecal Coliform	200/100 ml as a Geometric Mean		
pH	6.0 to 9.0 Standard Units at all times.		
Total Residual Chlorine	0.7		1.5
Nitrate Nitrogen			
(May—October)	4.0		8.0
Total Dissolved Solids	1,000		2,000

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA0028134, Industrial Waste, SIC 4941, **Pennsylvania American Water Company**, 207 Oneida Valley Road, Butler, PA 16001. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Kittanning Filtration Plant in Rayburn Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority, located at 16.2 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.035 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Manganese			1.0		2.0
Aluminum			4.0		8.0
Total Residual Chlorine			0.5		1.0
pH			not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

PA0030651, Sewage, **Canon-McMillan School District**, 1 North Jefferson Avenue, Canonsburg, PA 15317. This application is for renewal of an NPDES permit to discharge treated sewage from Wylandville Elementary School Sewage Treatment Plant in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Little Chartiers Creek, which are classified as a HQ-WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.0088 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.1
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0033294, Sewage, **South Franklin Township**, 100 Municipal Road, Washington, PA 15301. This application is for renewal of an NPDES permit to discharge treated sewage from Franklin Manor Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Chartiers Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Western Pennsylvania Water Company.

Outfall 001: existing discharge, design flow of 0.06 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.4			2.8
(11-1 to 4-30)	2.8			5.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.1			0.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0031488, Sewage, **Yough School District**, 915 Lowber Road, Herminie, PA 15637. This application is for renewal of an NPDES permit to discharge treated sewage from Yough Senior High School Wastewater Treatment Plant in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Sewickley Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.013 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217964, Sewage, **Keith Vay**, Box 204, Lowbar, PA 15660. This application is for renewal of an NPDES permit to discharge treated sewage from K-Vays STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Little Sewickley Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.006 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.13			0.31
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0041441, Sewage, **Somerset Township Municipal Authority**, P. O. Box 247, 2209 North Center Avenue, Somerset, PA 15501. This application is for renewal of an NPDES permit to discharge treated sewage from Wells Creek Sewage Treatment Plant in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Wells Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Hooversville Municipal Authority.

Outfall 001: existing discharge, design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.5	6.8		9.0
(11-1 to 4-30)	13.5	20.3		27.0
Phosphorus				
(1st month—36th month)	Monitor and Report			
(37th month—expiration)	2.0	3.0		4.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.3			0.9
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0093254, Sewage, **Sugar Creek Rest LP**, 120 Lakeside Drive, Worthington, PA 16262. This application is for renewal of an NPDES permit to discharge treated sewage from Sugar Creek Rest STP in Sugarcreek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Patterson Run, which are classified as a HQ-TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Cadogen Water Works.

Outfall 001: existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	20			40
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.13			0.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0031984, Sewage, **Department of Conservation and Natural Resources Bureau of State Parks, Raccoon Creek State Park**, 3000 SR 18, Hookstown, PA 15050. This application is for renewal of an NPDES permit to discharge treated sewage from Raccoon Creek State Park STP and WTP in Hanover Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Traverse Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority.

Outfall 001: existing discharge, design flow of 0.1 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	6.0			12.0
Iron	2.0			4.0
Manganese	1.0			2.0
Aluminum	4.0			8.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.15			0.35
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0091588, Sewage, **Yough School District**, 915 Lowber Road, Herminie, PA 15637. This application is for renewal of an NPDES permit to discharge treated sewage from Yough Intermediate/Middle School STP in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Sewickley Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Water Authority.

Outfall 001: existing discharge, design flow of 0.0135 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.0			10.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.18			0.41
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0090689, Sewage, **Maple Creek Mining, Inc.**, 1 Industrial Park Drive, Wheeling, WV 26003. This application is for renewal of an NPDES permit to discharge treated sewage from Spinner Sewage Treatment Plant in Fallowfield Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sawmill Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company-Monongahela River.

Outfall 001: existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.7			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0110302, Sewage, **North American Hoganas, Inc.**, 111 Hoganas Way, Hollsopple, PA 15935. This application is for renewal of an NPDES permit to discharge treated sewage from Quemahoning Industrial Development Park STP in Quemahoning Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Quemahoning Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks.

Outfall 001: existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	20.0			40.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0026140, Sewage, **Rochester Area Joint Sewer Authority**, 395 Adams Street, Rochester, PA 15074. This application is for renewal of an NPDES permit to discharge treated sewage from RAJSA Wastewater Treatment Plant in Rochester Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Municipal Authority.

Outfall 001: existing discharge, design flow of 1.4 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 10-31)	200/100 ml as a Geometric Mean			
(11-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.0
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The first 3 years of the permit require quarterly monitoring for certain nutrients (nitrogen and phosphorus components) for Outfall 001. The Ohio River Valley Sanitation Commission (ORSANCO) requires this monitoring for direct discharges of 1 mgd or greater to the Ohio River.

The EPA waiver is not in effect.

PA0043869, Sewage, **North Hempfield Volunteer Fire Company**, 1284 Business Route 66, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from North Hempfield Volunteer Fire Company STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Brush Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Co.—Pittsburgh.

Outfall 001: existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	10.5			21.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0024082, Sewage, **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Avonmore Borough Sewage Treatment Plant in Avonmore Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Kiskiminetas River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company located on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.19 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0033626, Sewage, **West Greene School District**, 1367 Hargus Creek Road, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from West Greene Middle School/Senior High School Sewage Treatment Plant in Center Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Hargus Creek, which are classified as a HQ-WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Waynesburg Water Treatment Plant.

Outfall 001: existing discharge, design flow of 0.012 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0104353, Sewage, **Lemick, Inc.**, 9 Corporation Center, Broadview Heights, OH 44147. This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Activity: New NPDES permit replacing an expired permit for treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the potable water supply (Public Water Supplier) is located on the Shenango River (New Castle District Pennsylvania-American Water Company) at RMI 4.7 and is approximately 17.3 miles below point of discharge.

The receiving stream, the UNT to Shenango River, is in Watershed 20-A and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.035 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		
Total Residual Chlorine	0.5		1.2
Dissolved Oxygen	minimum of 3 mg/l at all times		
pH	6.0 to 9.0 Standard Units at all times		

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

PA0209741, Sewage, **Reynolds/322 Company, LTD**, 9 Corporation Center, Broadview Heights, OH 44147-3265. This existing facility is located in French Creek Township, **Mercer County**.

Description of Proposed Activity: New NPDES permit replacing an expired NPDES permit for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is located on the Allegheny River (Emblenton Water Company) and is approximately 47 miles below point of discharge.

The receiving stream, the UNT to Powder Mill Run, is in Watershed 16-D and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0175 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	
Total Residual Chlorine	1.4		3.3
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 2809402, Sewerage, **Edith and Samuel Shaffner**, 10959 Stonewall Road, Shippensburg, PA 17257. This proposed facility is located in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve their single-family residence.

WQM Permit No. 2109403, Sewerage, **Cumberland-Franklin Joint Municipal Authority**, 725 Municipal Drive, Shippensburg, PA 17257. This proposed facility is located in Southampton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of a sewer extension and pump station to serve the Southwood Crossing.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 4109401, Sewerage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17710-6113. This proposed facility will be located in the City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: The Authority proposes the construction of a 2 million gallon storage tank, which will be used to store excessive wet weather combined sewer flow.

WQM Permit No. 5309401, Sewerage, SIC 4952, **Galeton Borough Authority**, 4 Sherman Street, Galeton, PA 16922. This proposed facility will be located in the Borough of Galeton, **Potter County**.

Description of Proposed Action/Activity: The Authority proposes the Phase 2A Southwest Sewershed Separation and Improvement Project, which will rehabilitate or replace sewerage facilities south of Pine Creek.

WQM Permit No. 1409402, Sewage, SIC 4952, **Kirk G. Aguer**, 123 Aspen Drive, Boalsburg, PA 16827. This proposed facility is located in Harris Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct a new raw sewage equalization tank, replace existing sewers and extent new sewers for 28 new connections at Nittany Grove MHC.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. WQG016175, Sewerage, **David Calderone**, 162 A Hufnagel Drive, Clinton, PA 15026. This existing facility is located in Robinson Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single-residence sewage treatment plant.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503017R	Tarisa, LLC P. O. Box 159 Shippers Road Macungie, PA 18062	Monroe	Middle Smithfield Township	Sand Hill Creek HQ-CWF

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025208001	Masthope Mountain Community Property Owners Council HC 1 1A353 Karl Hope Boulevard Lackawaxen, PA 18435	Pike	Lackawaxen Township	Tributary to Delaware River HQ-CWF

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409004	Joel Albert Fox Ridge Subdivision 4031 Allport Cutoff Road Morrisdale, PA 16858	Centre	Benner Township	Buffalo Run HQ-CWF

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Somerset County Conservation District: 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055609001	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Somerset	Jefferson and Lincoln Townships	UNT to Crab Run HQ-CWF Laurel Hill Creek Basin

Westmoreland County Conservation District: 218 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509003	Arshad Hafreez SASI, Inc. 7072 Lyons View Vourt Murrysville, PA 15668	Westmoreland	Murrysville	Haymaker Run HQ

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These

NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Weiler Farm 2 R. D. 2 Palmyra, PA 17079	Lebanon	0	822.33	Swine	NA	Renewal
Kulp Family Dairy R. D. 2 Box 142B Martinsburg, PA 16662	Blair	2,610.7	3,651.25	Dairy	Clover Creek HQ	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0209511, Public Water Supply.

Applicant	Pittsburgh Water and Sewer Authority 1200 Penn Avenue 2nd Floor Pittsburgh, PA 15222-4204
Township or Borough	City of Pittsburgh
Responsible Official	Michael P. Kenney Executive Director Pittsburgh Water and Sewer Authority 1200 Penn Avenue 2nd Floor Pittsburgh, PA 15222-4204
Type of Facility	Water treatment plant
Consulting Engineer	Mazza Design Solutions, LLC 232 Center Grange Road Aliquippa, PA 15001
Application Received Date	April 21, 2009
Description of Action	Expand the capacity of the Highland Park Membrane Microfiltration plant from 20 mgd to 26 mgd.

Permit No. 0209509, Public Water Supply.

Applicant **Moon Township Municipal Authority**
1700 Beaver Grade Road
Suite 200
Coraopolis, PA 15108-3193

Township or Borough City of Pittsburgh

Responsible Official Robert Rateau, Superintendent
Moon Township Municipal Authority
1700 Beaver Grade Road
Suite 200
Coraopolis, PA 15108-3193

Type of Facility Water storage tank

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Application Received Date April 9, 2009

Description of Action Installation of a mixer at the Western Area water storage tank.

Responsible Official David Kaufman
Vice President
Engineering
Pennsylvania American Water Company
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Type of Facility Water system

Consulting Engineer

Application Received Date April 29, 2009

Description of Action Addition of zinc ortho-phosphate at the Brownsville water treatment plant.

MINOR AMENDMENT

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 0209510MA, Minor Amendment.

Applicant **Borough of Sewickley Water Authority**
P. O. Box 190
601 Thorn Street
Sewickley, PA 15143

Township or Borough Edgeworth Borough

Responsible Official William DiMarzio
Operations Supervisor
Borough of Sewickley Water Authority
P. O. Box 190
601 Thorn Street
Sewickley, PA 15143

Type of Facility Interconnection

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Application Received Date April 15, 2009

Description of Action Emergency interconnection between the Borough of Sewickley Water Authority and the Edgeworth Borough Municipal Authority.

Application No. 5609502MA, Minor Amendment.

Applicant **Indian Lake Borough**
1301 Causeway Drive
Central City, PA 15926

Township or Borough Indian Lake Borough

Responsible Official Theresa Weyant
Borough Secretary
Indian Lake Borough
1301 Causeway Drive
Central City, PA 15926

Type of Facility Water storage tank

Consulting Engineer GAI Consultants
385 East Waterfront Drive
Homestead, PA 15120

Application Received Date April 21, 2009

Permit No. 0209512, Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Township or Borough City of Pittsburgh
Baldwin Borough

Responsible Official David Kaufman
Vice President
Engineering
Pennsylvania American Water Company
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Type of Facility Water system

Consulting Engineer Gannett Fleming, Inc.
207 Senate Avenue
Camp Hill, PA 17011-2316

Application Received Date April 21, 2009

Description of Action Installation of approximately 2,900 LF of 42-inch transmission water main and appurtenances from the Becks raw water pump station to three existing mains in Becks Run Road.

Permit No. 2609504, Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Township or Borough Brownsville Borough

Description of Action Painting of the Peninsula water storage tank.

Application No. 0209513MA, Minor Amendment.

Applicant **Moon Township Municipal Authority**
1700 Beaver Grade Road
Suite 200
Coraopolis, PA 15108-3193

Township or Borough Moon Township

Responsible Official John F. Riley, General Manager
Moon Township Municipal Authority
1700 Beaver Grade Road
Suite 200
Coraopolis, PA 15108-3193

Type of Facility Water storage tank

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Application Received Date May 1, 2009

Description of Action Construction of a 100,000 gallon backwash tank at the Fern Hollow water treatment plant.

Application No. 2609503MA, Minor Amendment.

Applicant **Borough of Point Marion**
426 Morgantown Street
Point Marion, PA 15474

Township or Borough Point Marion Borough

Responsible Official Alfred DuBois, Senior
Borough of Point Marion
426 Morgantown Street
Point Marion, PA 15474

Type of Facility Water storage tank and waterlines

Consulting Engineer Alpha Associates, Incorporated
209 Prairie Avenue
Morgantown, WV 26501

Application Received Date May 4, 2009

Description of Action Replacement of 23,200 LF of waterline and construction of a 109,000 gallon auxiliary water storage tank with appurtenances.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to

Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Powers Residence, 30 Frutchey Court, Upper Mount Bethel Township, **Northampton County**. Thomas Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 has submitted a Notice of Intent to Remediate (on behalf of his client, Richard Powers, 30 Frutchey Court, Mount Bethel, PA 18343), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 550-gallon underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will continue as residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

O'Leary Residence, 4073 Manor Drive, Hamilton Township, **Monroe County**. Mark J. Zurich and Michael P. Raffoni, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602 have submitted a Notice of Intent to Remediate (on behalf of their client, John O'Leary, 4073 Manor Drive, Stroudsburg, PA 18360), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 275-gallon, exterior aboveground storage tank, which may have been due to a frozen supply line failure. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property will remain residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Rutters Farm Store 53, Newberry Township, **York County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of CHR Corporation, 2295 North Susquehanna Trail, York, PA 17404, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel released from a tractor trailer saddle tank. The site will be remediated to the Residential Statewide Health Standard and remain a retail fueling station.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Pennsylvania College of Technology—Rose Street Student Housing/Parking, City of Williamsport, **Lycoming County**. TCI Environmental Services, Inc., 100 North Wilkes-Barre Boulevard, Wilkes-Barre, PA 18702 on behalf of Pennsylvania College of Technology, 2245 Reach Road, Williamsport, PA 17701 has submitted a Notice of Intent to Remediate soil contaminated with Lead and Arsenic. The applicant proposes to remediate the site to meet the Site-Specific Standard. The future use of the property is as student housing and parking.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application deemed complete under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448.

Permit Application No. 300610. Craftmaster Manufacturing, Inc., P. O. Box 311, Shiner Road, Towanda, PA 18848. The permit renewal application for the Craftmaster captive residual waste landfill located in Wysox Township, **Bradford County**, was deemed complete by the Williamsport Regional Office on May 4, 2009.

Comments concerning the application should be directed to Jim Miller, Program Manager, Waste Management Program, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public

comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

35-328-003: PEI Power Corp.—PEI Power Station (170 Power Boulevard, Archbald, PA 18403) for modification to their emission limits for the two natural gas turbines at their facility in Archbald Borough, **Lackawanna County**.

40-399-064: Schott Glass Technologies, Inc. (400 York Avenue, Duryea, PA 18642) for installation of a shot blast booth with baghouse at their facility in Duryea Borough, **Luzerne County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

10-028I: Armstrong Cement and Supply Corp. (100 Clearfield Road, Cabot, PA 16023) to install new burner systems on two existing kilns at their facility on 100 Clearfield Road in Winfield Township, **Butler County**. This is a Title V facility, Permit No. 10-00028.

25-053E: Urick Foundry Co. (1501 Cherry Street, Erie, PA 16502) for modernization of the sand cooling operation including three new finishing/sand handling baghouses in Erie City, **Erie County**. This is a State-only facility.

42-028C: Saint-Gobain Containers, Inc. (One Glass Place, Port Allegany, PA 16743-1154) for installation of three dust collector systems and modification of an existing dust collector system at their facility in Port Allegany Borough, **McKean County**. This is a Title V facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

23-0003N: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) for modification of NOx emission limits and average capacity of the FCCU feed heater at their Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. This modification will not result in NOx emission increase. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

23-0003M: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) for upgrading its south side cooling tower at their Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. This upgrading will result in VOC emission increase of 0.74 tpy. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

21-05011B: Frog Switch & Manufacturing Co. (600 East High Street, Carlisle, PA 17013) for revision to the pressure drop range stated in the Continuous Assurance and Monitoring Plan for the two electric arc furnaces in the Carlisle Borough, **Cumberland County**. The plan approval will include monitoring, recordkeeping, reporting

and work practice standards designed to keep the facility operating within all applicable air quality requirements.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

67-05030: C-P Converters, Inc. (15 Grumbacher Road, York, PA 17402-9417) for renewal of the Title V Operating Permit issued in March 2005 and administratively amended in January 2008 in Manchester Township, **York County**.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00165: Boekel Industries, Inc. (855 Pennsylvania Boulevard, Feasterville, PA 19053), for renewal of State-only (Synthetic Minor) Operating Permit No. 09-00165, which was originally issued on February 3, 2004, and amended on July 17, 2007, in Lower Southampton Township, **Bucks County**. Boekel Industries, Inc. operates and maintains a batch vapor degreaser, from which emissions of trichloroethylene are restricted to 9.5 tpy. No changes have occurred at the facility since the SOOP was amended. The renewed SOOP will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

21-05049: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17105) for operation of a hot mix batch asphalt plant at the Penn Township quarry in Penn Township, **Cumberland County**. The State-only operating permit will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

22-03030: Pennsy Supply, Inc. (1001 Paxton Street, P.O. Box 3331, Harrisburg, PA 17105) for their stone crushing operations at 2090 Union Street in Lower Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit issued in March 2004.

38-03001: Lebanon Chemical Corp. (1600 East Cumberland Street, Lebanon, PA 17042) for their fertilizer drying and bagging operations controlled by a fabric collector in South Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit issued in May 2004.

38-05024: Pennsy Supply, Inc. (1001 Paxton Street, P.O. Box 3331, Harrisburg, PA 17105) for their stone crushing operations and cement plant at 200 Prescott Road in South Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit issued in January 2004.

67-03143: The ESAB Group, Inc. (1500 Karen Lane, Hanover, PA 17331) for operation of their welding equip-

ment and consumables manufacturing facility in Hanover Borough, **York County**. The State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

32-00375: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201-1504) for a permit to operate a coal screening plant at their Lowry Deep Mine in White Township, **Indiana County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

11051301 and NPDES Permit No. PA0235652, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Cresson Mine in Cresson Township, **Cambria County** to add underground permit and subsidence control plan acres for development mining. Underground Acres Proposed 986.3, Subsidence Control Plan Acres Proposed 986.3. No additional discharges. Application received October 15, 2008.

03031301 and NPDES Permit No. PA0235567, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642), to renew the permit for the Keystone East Mine in Plumcreek Township, **Armstrong County** and related NPDES permit. (This renewal application was originally submitted and accepted for reclamation only.) No additional discharges. Application received December 8, 2008.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

05753004 and NPDES No. PA0124869, Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661, permit renewal for the continued operation and restoration of a bituminous surface mine in Broad Top and Carbon Townships, **Bedford and Huntingdon Counties**, affecting 222.1 acres. Receiving streams: UNTs to/and Coal Bank Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 23, 2009.

11793025 and NPDES No. PA0089524, E. P. Bender Coal Company, South Main Street, P. O. Box 565 and 566, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface mine in Dean Township, **Cambria County**, affecting 400.0 acres. Receiving stream: UNT to Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 24, 2009.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

65090102 and NPDES Permit No. PA0251640, Coal Loaders, Inc. (210 East Main Street, Ligonier, PA 15658-1318). Application received for commencement, operation and reclamation of a bituminous surface mining

operation located in Bell Township, **Westmoreland County**, affecting 184.6 acres. Receiving streams: UNTs to Wolford Run and Kiskiminetas River, classified for the following use: WWF. There are no potable water supply intakes within 10 miles from the point of discharge. Application received April 22, 2009.

03090103 and NPDES Permit No. PA0251631, M & M Lime Co., Inc. (215 Nichola Road, Worthington, PA 16262). Application for commencement, operation and reclamation of a bituminous surface mine, located in West Franklin Township, **Armstrong County**, affecting 8.2 acres. Receiving streams: Buffalo Creek, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received April 21, 2009.

02030101 and NPDES Permit No. PA0250414, Teodori Enterprises (P. O. Box 616, Lawrence, PA 15055). Renewal application for reclamation only of a bituminous surface mine, located in North Fayette Township, **Allegheny County**, affecting 155.4 acres. Receiving streams: UNTs to North Branch and North Branch, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 4, 2009.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17860135 and NPDES No. PA0115622, Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801), revision of an existing bituminous surface mine to add 6.2 acres in Union, Brady and Sandy Townships, **Clearfield County**, affecting 361.4 acres. Receiving streams: Laborde Branch, Sugar Camp Run to Luthersburg Branch to Laborde Branch, tributaries to Stony Run to Laborde Branch to Sandy Lick Creek to Redbank Creek to Allegheny River, classified for the following uses: CWF; WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 4, 2009.

17030107 and NPDES No. PA0243485, Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830), permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 50.2 acres. Receiving streams: UNT to Moose Creek and Moose Creek to West Branch Susquehanna, classified for the following uses: CWF; WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 13, 2009.

17030113 and NPDES No. PA0243591, Rob Holland Enterprises (52 Holland Lane, Curwensville, PA 16833), transfer of an existing bituminous surface mine, with an Insignificant Permit Boundary Correction, from Kenneth K. Rishel and Sons, Inc. (1229 Turnpike Avenue,

Clearfield, PA 16830) located in Lawrence Township, **Clearfield County**, affecting 47.9 acres. Receiving streams: Montgomery Creek and West Branch Susquehanna, classified for the following uses: CWF; WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 9, 2009.

17050106 and NPDES No. PA0256222. Gator Coal, LP (P. O. Box 418, Elderton, PA 15736), transfer of an existing bituminous surface mine from Lee Coal Contracting, Inc. (1395 German Road, Drifting, PA 16834), located in Cooper Township, **Clearfield County**, affecting 33.4 acres. Receiving stream: UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 4, 2009.

17060112 and NPDES No. PA0238376. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine from Waroquier Coal Company (P. O. Box 128, Clearfield,

PA 16830) located in Bell Township, **Clearfield County**, affecting 279.0 acres. Receiving streams: Lost Run to Clover Run to East Branch Mahoning Creek, to Allegheny River, classified for the following uses: CWF to WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 30, 2009.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

54940201R3. White Pine Coal Co., Inc., (P. O. Box 119, Ashland, PA 17921), renewal of an existing anthracite coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County** affecting 56.3 acres, receiving stream: none. Application received April 28, 2009.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

4274SM11 and NPDES Permit No. PA0212512, New Enterprise Stone and Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Taylor Township, **Blair County**. Receiving streams: Plum and Halter Creeks classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received April 29, 2009.

56920301 and NPDES Permit No. PA0599417, New Enterprise Stone and Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Ogle Township, **Somerset County**. Receiving streams: UNTs to Shade Creek classified for the following use: EV. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWW. NPDES renewal application received April 29, 2009.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

26092001 and NPDES Permit No. PA0251658. Bullsken Stone and Lime, LLC (117 Marcia Street, Latrobe, PA 15650). Application for commencement, operation and reclamation of large noncoal underground mine, located in Bullsken Township, **Fayette County**, affecting 431.5 acres. Receiving streams: UNTs to Mounts Creek, classified for the following use: WWF. There is no

potable water supply intake within 10 miles downstream from the point of discharge. Application received April 24, 2009.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

37020306. The East Fairfield Coal Co. (Box 217, 10900 South Avenue, North Lima, OH 44452-9792). Revision to an existing noncoal surface mining permit in North Beaver Township, **Lawrence County** affecting 181.2 acres. Receiving streams: Honey Creek and four UNTs to Honey Creek, classified for the following use: HQ. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 1.9 acres to the permit. Application received April 28, 2009.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a

concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

E46-783. Horsham Township, 1025 Horsham Road, Horsham, PA 19044-1626, Horsham Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 25-foot by 3-foot box culvert across Park Creek (WWF, MF) and construction of a bituminous path in wetlands associated with extension of the existing public recreation trail from Limerick Pike (SR 152) to Biwood Road, a total distance of approximately 1.75 miles (Ambler, PA N: 15.4 inches; W: 1.00 inch).

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E64-279. John E. Marshall, 337 Bethel School Road, Honesdale, PA 18431, in Berlin Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.57 acre of PEM wetlands for the purpose of constructing three, 26-foot wide by 100-foot long self-storage units. The project is located 1.61 miles northeast of the intersection of US Route 6 and SR 652 (White Mills, PA Quadrangle Latitude: 41° 34' 08"; Longitude: 75° 12' 05").

E64-281. Dreher Township, P. O. Box 177, Newfoundland, PA 18445, in Dreher Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 3,660-foot long, 5-foot wide, public walking trail topped with 4-inches of wood fiber and stone dust in Carlton-Drake Memorial Park for the purpose of creating a recreational/exercise area. The project will impact 0.03 acre of PEM EV wetlands consisting of four separate crossings. The project also includes the construction and maintenance of: 1) a 4-foot diameter HDPE culvert crossing of a tributary to Wallenpaupack Creek (HQ-CWF); 2) four 24-inch diameter

HDPE culvert crossing of a tributary to Wallenpaupack Creek (HQ-CWF). Portions of the trail are also located within the 100-year floodplain and the floodway of a tributary to Wallenpaupack Creek. The project is located 2.07 miles south of the intersection of I-84 and SR 507 (Newfoundland, PA Quadrangle Latitude: 41° 18' 40"; Longitude: 75° 18' 58").

E64-280. John E. Marshall, 337 Bethel School Road, Honesdale, PA 18431, in Berlin Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 0.86 acre pond which will impact 0.23 acre of PEM wetlands for the purpose of recreational use, water supply for livestock and fire protection. The project is located 3.77 miles northeast of the intersection of US Route 6 and SR 652 in Berlin Township, Wayne County (White Mills, PA Quadrangle Latitude: 41° 35' 29"; Longitude: 75° 10' 12").

E39-494. Hamilton Crossings, LP, P. O. Box F, Allentown, PA 18105, in Lower Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in an abandoned 0.10 acre water-filled quarry for the purpose of commercial development. The project is located approximately 0.40 mile southwest of the intersection of US Route 222 and Interstate Route 476 (Allentown West, PA Quadrangle Latitude: 40° 33' 59"; Longitude: 75° 33' 33").

E45-338. Joseph M. Evans, 16 Hemlock Drive, Pottsville, PA 17901, in North Manheim Township, **Schuylkill County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a driveway crossing of Long Run (CWF) utilizing three 24-inch by 38-inch elliptical concrete pipes spanning 10 feet and depressed 6-inches below the existing streambed elevation and to permanently impact 0.013 acre of adjacent PSS wetlands utilizing three 12-inch culverts spanning 10 feet. The project is located approximately 0.6 mile southwest of the intersection of Guldin Street and SR 0443 (Friedensburg, PA Quadrangle Latitude: 40° 37' 07"; Longitude: 76° 11' 35").

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

E36-855. Areva NP, Inc., 3315 Old Forest Road, P. O. Box 10935, Lynchburg, VA 24506-0935, and Kinsley Construction, Inc., 2700 Water Street, P. O. Box 2886, York, PA 17405, Little Britain, West Nottingham, Providence, Pequea, Conestoga, Manor, East Donegal, West Hempfield, Conoy and Fulton Townships, Marietta and Columbia Boroughs, **Lancaster County**, West Nottingham Township, **Chester County** and Londonderry Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To install and maintain:

1. a temporary bracing system in an existing, triple span bridge carrying SR 272 over Octoraro Creek (WWF), consisting of jacks and steel beams, located in Little Britain Township, Lancaster County and West Nottingham Township, Chester County (Kirkwood, PA Quadrangle N: 3.13 inches; W: 8.94 inches, Latitude: 39° 46' 02" N; Longitude: 76° 03' 49" W);

2. a temporary bracing system in an existing 295.0-foot long, 22.0-foot by 7.0-foot concrete box culvert carrying SR 272 over Huber Run (WWF), consisting of screw jacks,

and aluminum and timber support beams, located in Providence Township, Lancaster County (Conestoga, PA Quadrangle N: 9.08 inches; W: 0.55 inch, Latitude: 39° 55' 30" N; Longitude: 76° 15' 14" W);

3. a temporary stream crossing consisting of eight 48.0-inch diameter RCP's within the banks of Pequea Creek (WWF) and two 48.0-inch diameter RCP's in the floodway of Pequea Creek (WWF), in Providence and Pequea Townships, Lancaster County (Conestoga, PA Quadrangle N: 12.21 inches; W: 1.21 inches, Latitude: 39° 56' 32" N; Longitude: 76° 15' 31" W);

4. a temporary 80.0-foot long steel overbridge structure spanning an existing 20.0-foot long, stone-arch culvert carrying SR 3030 over a UNT to the Conestoga River (WWF) and a portion of the floodway of a UNT to the Conestoga River (WWF) in Conestoga Township, Lancaster County (Conestoga, PA Quadrangle N: 12.76 inches; W: 16.74 inches, Latitude: 39° 56' 43" N; Longitude: 76° 22' 03" W);

5. a temporary 30.0-foot long steel overbridge structure spanning an existing 20.0-foot long stone arch culvert carrying SR 3030 over Witmer Run (WWF) and the placement of gabion baskets and fill in the floodway of Witmer Run (WWF) impacting 70.0 linear feet of stream and 0.03 acre of PEM wetlands in Manor Township, Lancaster County (Safe Harbor, PA Quadrangle N: 19.22 inches; W: 12.30 inches, Latitude: 39° 58' 51" N; Longitude: 76° 27' 46" W);

6. a temporary 50.0-foot steel over bridge structure spanning existing dual 60.0-inch diameter concrete culverts carrying SR 441 over Shumans Run (WWF) and the placement of gabion baskets and fill in the floodway of Shumans Run (WWF) impacting 10.0 linear feet of stream and 0.001 acre of PEM wetlands in Manor Township, Lancaster County (Safe Harbor, PA Quadrangle N: 22.60 inches; W: 13.85 inches, Latitude: 39° 59' 58" N; Longitude: 76° 28' 26" W);

7. a temporary stream crossing consisting of four 48.0-inch diameter reinforced concrete pipes in Chiques Creek (WWF) and a temporary stream crossing consisting of four 48.0-inch diameter reinforced concrete pipes in Donegal Creek (TSF) (Columbia West, PA Quadrangle N: 10.04 inches; W: 3.58 inches, Latitude: 39° 58' 51" N; Longitude: 76° 27' 46" W);

8. a temporary bracing system in an existing 101.0-foot concrete arch culvert carrying SR 441 over Conewago Creek (TSF), consisting of concrete pads and tower cranes, located in Conoy Township, Lancaster County and Londonderry Township, Dauphin County (Middletown, PA Quadrangle N: 1.31 inches; W: 12.46 inches, Latitude: 40° 07' 56" N; Longitude: 76° 42' 51" W). Also to install and maintain portable temporary steel over bridges atop existing road crossings at the following locations:

9. SR 272 crossing over Little Conowingo Creek (HQ-CWF) in Little Britain Township, Lancaster County (Wakefield, PA Quadrangle N: 4.99 inches; W: 0.78 inch, Latitude: 39° 46' 39" N; Longitude: 76° 07' 50" W);

10. SR 272 over Conowongo Creek (TSF) in Fulton Township, Lancaster County (Wakefield, PA Quadrangle N: 4.19 inches; W: 6.40 inches, Latitude: 39° 46' 23" N; Longitude: 76° 10' 14" W);

11. SR 272 over an unnamed tributary to Pequea Creek (HQ-CWF) in Providence Township, Lancaster County (Wakefield, PA Quadrangle N: 6.91 inches; W: 16.97 inches, Latitude: 39° 54' 47" N; Longitude: 76° 14' 38" W);

12. SR 3030 over Stehman Run (WWF) in Conestoga Township, Lancaster County (Wakefield, PA Quadrangle N: 15.74 inches; W: 16.04 inches, Latitude: 39° 57' 42" N; Longitude: 76° 21' 52" W);

13. Warehouse Road over a UNT to the Conestoga River (WWF) in Manor Township, Lancaster County (Safe Harbor, PA Quadrangle N: 11.60 inches; W: 1.44 inches, Latitude: 39° 56' 20" N; Longitude: 76° 23' 07" W);

14. SR 3017 over Witmer Run (WWF) in Manor Township, Lancaster County (Safe Harbor, PA Quadrangle N: 11.70 inches; W: 2.14 inches, Latitude: 39° 56' 22" N; Longitude: 76° 23' 25" W);

15. SR 3030 over Wisslers Run (HQ-CWF) in Manor Township, Lancaster County (Safe Harbor, PA Quadrangle N: 16.85 inches; W: 11.17 inches, Latitude: 39° 58' 04" N; Longitude: 76° 27' 17" W);

16. SR 441 over Stamans Run (WWF) in Manor Township, Lancaster County (Safe Harbor, PA Quadrangle N: 21.64 inches; W: 13.50 inches, Latitude: 39° 59' 39" N; Longitude: 76° 28' 17" W);

17. SR 441 over Strickler Run (WWF) in Columbia Borough, Lancaster County (Columbia East, PA Quadrangle N: 4.04 inches; W: 16.29 inches, Latitude: 40° 01' 20" N; Longitude: 76° 29' 29" W);

18. SR 441 over Shawnee Run (WWF) in Columbia Borough, Lancaster County (Columbia West, PA Quadrangle N: 4.84 inches; W: 17.46 inches, Latitude: 40° 01' 36" N; Longitude: 76° 29' 59" W);

19. SR 441 over a UNT to the Susquehanna River (HQ-CWF) in East Donegal Township, Lancaster County (Columbia West, PA Quadrangle N: 10.69 inches; W: 8.12 inches, Latitude: 40° 03' 32" N; Longitude: 76° 33' 29" W);

20. SR 441 over a UNT to the Susquehanna River (HQ-CWF) in East Donegal Township, Lancaster County (Columbia West, PA Quadrangle N: 12.01 inches; W: 13.45 inches, Latitude: 40° 03' 58" N; Longitude: 76° 35' 46" W);

21. SR 4004 over Conoy Creek (TSF) in Conoy Township, Lancaster County (York Haven, PA Quadrangle N: 16.29 inches; W: 2.33 inches, Latitude: 40° 05' 23" N; Longitude: 76° 38' 30" W);

22. SR 441 over a UNT to the Susquehanna River (HQ-CWF) in Conoy Township, Lancaster County (York Haven, PA Quadrangle N: 17.86 inches; W: 5.98 inches, Latitude: 40° 05' 54" N; Longitude: 76° 40' 04" W);

23. SR 441 over a UNT to the Susquehanna River (HQ-CWF) in Conoy Township, Lancaster County (York Haven, PA Quadrangle N: 18.82 inches; W: 7.07 inches, Latitude: 40° 06' 13" N; Longitude: 76° 40' 32" W);

24. SR 441 over a UNT to the Susquehanna River (HQ-CWF) in Conoy Township, Lancaster County (York Haven, PA Quadrangle N: 20.18 inches; W: 8.35 inches, Latitude: 40° 06' 40" N; Longitude: 76° 41' 05" W);

25. SR 441 over Snitz Creek (WWF) in Conoy Township, Lancaster County (York Haven, PA Quadrangle N: 20.83 inches; W: 9.16 inches, Latitude: 40° 06' 53" N; Longitude: 76° 41' 26" W); and

26. SR 441 over Stoney Run (WWF) in Conoy Township, Lancaster County (York Haven, PA Quadrangle N: 22.09 inches; W: 11.92 inches, Latitude: 40° 07' 18" N; Longitude: 76° 42' 37" W), all for the purpose of safely transporting a heavy load from the Maryland State Line to Middletown, PA. The temporary structures and bracing

systems will be removed and surrounding areas restored and properly stabilized upon completion of the load transport.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E14-514. Gerald F. Clair, 146 Clair Lane, State College, PA 16801. Fish Hole, in College Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (State College, PA Quadrangle Latitude: 40° 50' 11.5"; Longitude: 77° 49' 7.5").

To construct and maintain the following fish habitat improvement encroachments: 1) Remove rip rap down to the waterline of the streambank that was previously installed in 2008; 2) Construct five mud sill deflectors or triangle deflectors for habitat enhancement and handicap fishing access; 3) Construct low profile log vanes and brush mats in areas with a mud bottom to encourage sediment deposition; 4) Install PFBC rock and log fish habitat enhancement devices throughout the reach to improve fish habitat; 5) Install a handicap access trail in the floodway at existing grade along the downstream right bank of the stream for approximately 3,600 linear

feet; 6) Remove livestock fence and establish a 35 ft. wide riparian buffer on both sides of the stream for approximately 3,600+ linear feet, in or along Spring Creek located 1,550 feet northwest of the intersection of Trout Road and Gerald Street. The applicant agreed to work with the USFWS, Fish and Boat Commission, and the contractor to develop a detailed plan to restore the stream banks and avoid extensive engineering requirements. This project proposes to directly or indirectly impact 2,907 linear feet of Spring Creek, which is classified as a HQ-CWF, Class A wild trout stream.

E17-450. City of DuBois, 16 West Scribner Avenue, P. O. Box 408, DuBois, PA 15801. City of DuBois Water Supply Pipeline Repair, Operation and Maintenance, Sandy and Union Townships, **Clearfield County**, United States Army Corps of Engineers, Pittsburgh District (Luthersburg, PA Quadrangle Latitude: 41° 06' 33"; Longitude: 78° 41' 23").

DuBois City is seeking authorization to replace, repair, operate and maintain an existing public water supply transmission pipeline within a 30-foot right-of-way that requires encroachment of the following of 18 wetlands and 21 contributory to Laborde Branch-Sandy Lick (CWF) and Sandy Lick Creeks (CWF):

<i>Application ID</i>	<i>Resource Name</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
UT19	Tributary to Laborde	CWF	41° 05' 46.36"	78° 40' 28.43"
UT18	Tributary to Laborde	CWF	41° 05' 46.65"	78° 39' 20.07"
UT17	Tributary to Laborde	CWF	41° 05' 46.23"	78° 39' 23.13"
W18	Wetland	CWF	41° 05' 46.77"	78° 39' 23.94"
UT15	Tributary to Laborde	CWF	41° 05' 46.86"	78° 39' 23.67"
UT14	Tributary to Laborde	CWF	41° 05' 50.24"	78° 39' 48.54"
UT13	Tributary to Laborde	CWF	41° 05' 54.27"	78° 40' 0.42"
W17	Wetland	CWF	41° 05' 55.49"	78° 40' 3.81"
W16	Wetland	CWF	41° 05' 56.69"	78° 40' 7.25"
W15	Wetland	CWF	41° 05' 57.79"	78° 40' 9.67"
UT12	Tributary to Laborde	CWF	41° 05' 58.27"	78° 40' 10.74"
W14	Wetland	CWF	41° 05' 59.59"	78° 40' 13.39"
W13	Wetland	CWF	41° 06' 2.09"	78° 40' 19.50"
UT11	Tributary to Laborde	CWF	41° 06' 3.92"	78° 40' 23.67"
W12	Wetland	CWF	41° 06' 3.91"	78° 40' 24.91"
CR	Tributary to Laborde	CWF	41° 06' 4.70"	78° 40' 25.33"
W11	Wetland	CWF	41° 06' 7.03"	78° 40' 30.97"
W10	Wetland	CWF	41° 6' 11.88"	78° 40' 43.54"
UT10	Tributary to Laborde	CWF	41° 06' 11.82"	78° 40' 43.57"
UT9	Tributary to Laborde	CWF	41° 06' 15.45"	78° 40' 49.94"
UT8	Tributary to Laborde	CWF	41° 06' 16.61"	78° 40' 52.98"
UT7	Tributary to Laborde	CWF	41° 06' 19.71"	78° 41' 0.10"
UT6	Tributary to Laborde	CWF	41° 06' 20.07"	78° 41' 1.08"
UT5	Tributary to Laborde	CWF	41° 06' 20.15"	78° 41' 3.75"
W9	Wetland	CWF	41° 06' 21.67"	78° 41' 3.87"
W8	Wetland	CWF	41° 06' 22.84"	78° 41' 5.96"
UT4	Tributary to Laborde	CWF	41° 06' 23.06"	78° 41' 7.60"
UT3	Tributary to Laborde	CWF	41° 06' 24.94"	78° 41' 11.27"
W7	Wetland	CWF	41° 06' 25.95"	78° 41' 12.11"

<i>Application ID</i>	<i>Resource Name</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
W6	Wetland	CWF	41° 06' 25.95"	78° 41' 13.81"
UT2	Tributary to Laborde	CWF	41° 06' 25.92"	78° 41' 13.82"
W5	Wetland	CWF	41° 06' 26.67"	78° 41' 15.56"
UT1	Tributary to Laborde	CWF	41° 06' 26.96"	78° 41' 16.48"
LB	Tributary to Sandy Lick	CWF	41° 06' 41.98"	78° 42' 57.73"
LB	Tributary to Sandy Lick	CWF	41° 06' 42.25"	78° 42' 59.68"
W4	Wetland	CWF	41° 06' 42.29"	78° 43' 0.33"
LB	Tributary to Sandy Lick	CWF	41° 06' 42.78"	78° 43' 3.83"
W3	Wetland	CWF	41° 06' 43.11"	78° 43' 5.58"
W2	Wetland	CWF	41° 06' 44.88"	78° 43' 20.77"
UT19	Tributary to Laborde	CWF	41° 06' 44.77"	78° 43' 19.55"
W1	Wetland	CWF	41° 06' 46.14"	78° 43' 30.77"

All instream pipeline repair and maintenance work shall be conducted in dry work conditions by dam and pumping or fluming stream flow around work areas. Since the tributaries to Laborde Branch and Sandy Lick Creek are wild trout, no repair work shall be done in or along the stream channels between October 1 and December 31 without prior written approval from the Fish and Boat Commission. This permit also authorizes the construction, operation, maintenance and removal of any temporary stream diversions, flumes, cofferdams, roadways and causeways. All temporary structures needed for pipeline repair and maintenance shall be constructed strictly in accordance to the plans, drawings and specifications that were reviewed and approved in.

E41-596. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 1005 Segment 0130 Offset 0000 Bridge Structure Replacement over Plunkett's Creek, Plunkett's Creek Township, **Lycoming County**, United States Army Corps of Engineers, Baltimore District (Barbours, PA Quadrangle N: 41° 26' 11"; W: 76° 46' 21").

Department of Transportation, Engineering District 3-0 proposes to replace a single-span reinforced concrete T-beam bridge structure with a single-span reinforced concrete box culvert. The proposed concrete box culvert will be depressed 1 foot into the stream and have baffles placed in accordance with design standards. Hydraulics submitted with this application show a decrease in the 25 and 100 year water surface elevations. The project will utilize a temporary diversion dike system to convey the stream during construction. A detour will be in place to convey traffic during construction. Plunkett's Creek is classified as a HQ-CWF by 25 Pa. Code Chapter 93 Water Quality Standards. The culvert will have a total length of 77 feet and does not propose to impact any jurisdictional wetlands.

E49-303. City of Sunbury, 225 Market Street, Sunbury, PA 17801. Sunbury River Front Revitalization Project, in City of Sunbury, **Northumberland County**, United States Army Corps of Engineers, Baltimore District (Sunbury, PA Quadrangle Latitude: 40° 51' 02"; Longitude: 76° 48' 15").

The applicant proposes to construct a riverbank stabilization and revitalization project along the Susquehanna River, which is a WWF. The riverbank stabilization project proposes to modify 1.66 acres of shoreline and extends in length to 4,250 linear feet. The total fill in the floodway/river area totals 3.23 acres and proposes be a

combination of riprap and earthen fill to support vegetation. Additionally, the application proposes to construct a marina consisting of 16 8 foot by 20 foot floatable dock sections that will be accessed by a gangway and two ADA accessible ramps. The existing concrete wall, at the proposed marina location, is intended to have a 1 foot cap poured along the entire length of the wall. The marina is intended to affect 7,514 SF of total surface area. A proposed amphitheater is also proposed within the location of the marina. This structure will be an overall 50 feet wide by 68 feet long and is broken into two sections for clarification. The concrete structure itself will fill 947 SF of river area based on the inflated dam condition. The completed project of toe protection, riparian buffer and fill area to complete the amphitheater projection will be 19,194 SF and encompass a total riverbank length of 330 linear feet. This project is located in the City of Sunbury between Race and Bainbridge Streets along Front Street.

E60-201. Bucknell University, Geiger Physical Plant, Lewisburg, PA 17837. Bucknell Landing, in Lewisburg Borough, **Union County**, United States Army Corps of Engineers, Baltimore District (Lewisburg, PA Quadrangle Latitude: 40° 57' 19"; Longitude: 76° 52' 41").

To construct and maintain: 1) a synthetic floating and removable kayak/canoe dock with pile anchors, and a hinged gangway less than 750 square feet in size; 2) 4,000 square foot articulated concrete block boat ramp; 3) a 20-foot by 20-foot pavilion on a concrete slab; 4) 485 square feet of stairway; 5) a 5-foot wide low impact at-grade walking trail; 6) 1,885 square feet of rain garden; 7) 2,400 square feet of an entry plaza; 8) a 5-foot wide paved at-grade trail; 9) secured picnic tables, signs, trash receptacles, bike racks; 10) Bucknell light standards and call box; 11) 6,570 square feet of at-grade gravel access drive; 12) council ring discovery area made of stone seats, fire ring and gravel path; 13) a 16-foot by 24-foot storage shed constructed 459 feet above sea level; and 14) a steel pipe dock rack to keep the dock anchored securely, located in the floodway of the West Branch Susquehanna River between the intersection of Snake Road and Seventh Street with River Road. The project proposes to impact 450 linear feet of the West Branch Susquehanna River, which is classified as WWF.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E16-138. Department of Transportation, District 10-0. SR 1009, Section 350, in Clarion Township, **Clarion**

County, United States Army Corps of Engineers, Pittsburgh District (Strattanville, PA Quadrangle N: 41° 10' 40"; W: 79° 22' 00").

To remove the existing structure and to construct and maintain a prestressed concrete beam bridge having a clear span of 87.6 feet and an underclearance of 14.75 feet on a 65° skew across Brush Run and impacting a de minimis amount of adjoining wetland (less than 0.01 temporary and permanent) on SR 1009, Section 350, Segment 0040, Offset 0065 approximately 50 feet upstream of the existing bridge south of I-80 approximately 1 mile west of the Greenville Pike interchange.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager;

286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA1009-013. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Clay Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 4,400 linear feet of dangerous highwalls. The project will include the elimination of 897 feet of channel and the backfilling of 0.43 acre of PEM wetlands and 0.18 acre of a waterbody that have developed within the open surface mine pits (West Sunbury, PA Quadrangle N: 1 inch; W: 9.5 inches).

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0020109 (Industrial Waste)	PPL Interstate Energy Company Martins Creek Terminal 214 Shoemaker Road Pottstown, PA 19464	Lower Mt. Bethel Township Northampton County	Delaware River 01F	Y
PA0063851 (Minor Sewage)	Sweet Valley Mobile Home Village 26 Updyke Road Hunlock Creek, PA 18621	Luzerne County Ross Township	UNT to Roaring Brook 5B	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0022195 SP	Borough of Catawissa P. O. Box 44 Catawissa, PA 17820	Columbia County Catawissa Borough	Catawissa Creek 5E	Y

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0218235 Sewage	Russell W. Smith 101 Spruce Hill Lane Fombell, PA 16123	Beaver County Marion Township	Connoquenessing Creek through storm sewer and catch basin	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034215	White Haven Campground 4007 Westford Road Jamestown, PA 16134	South Shenango Township Crawford County	UNT to the Shenango River 20-A	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES Permit No. PA0261203, CAFO, **Shady Brae Farms, Inc.**, Lancaster Junction Farm, 999 South Colebrook Road, Manheim, PA 17545. This proposed facility is located in Penn and East Hempfield Townships, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to operate a 2,577-Animal Equivalent Units layer operation in Watershed 7-G.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PA0233668, Sewerage, **William R. Davison**, 199 Dawn Lane, Howard, PA 16841. This approved facility is located in Howard Township, **Centre County**.

Description of Activity: An NPDES permit has been approved authorizing a discharge from a small flow treatment facility serving the Davison residence.

The receiving stream, Bullit Run, is in the State Water Plan Watershed 9A and is classified for: CWF. The nearest downstream public water supply intake is near Milton is located on is on the West Branch of the Susquehanna River approximately 75 miles below the point of discharge.

The effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅			10		20
TSS			10		20
Fecal Coliforms			200 colonies/100 ml		
pH			Within the range of 6.0 to 9.0		
Flow			Monitor and Report		
TRC			Monitor		

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0203807, Industrial Waste, **Nanty Glo Water Authority**, 872 Chestnut Street, Nanty Glo, PA 15943. This proposed facility is located in Cambria Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance to discharge from a facility located at Nanty Glo Water Treatment Plant to receiving waters named Williams Run.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0100650, Sewage, **Forest Brooke MHC, LLC, Continental Communities**, Suite 600, 2015 Spring Road, Oak Brook, IL 60523. This proposed facility is located in East Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for an existing discharge of treated sewage from a Nonmunicipal STP.

NPDES Permit No. PA0104019, Sewage, **Veolia ES Solid Waste of PA**, 6330 Route 219, Brockway, PA 15824. This existing facility is located in Washington Township, **Jefferson County**.

Description of Proposed Action/Activity: Renewal/transfer of an existing NPDES permit for discharge of treated sewage and stormwater from industrial activities.

NPDES Permit No. PA0239003, Sewage, **H & H Property Investments, LLC**, 21 Winnow Drive, Clayton, DE 19938. This proposed facility is located in Lancaster Township, **Butler County**.

Description of Proposed Action/Activity: New NPDES permit for an existing discharge of treated sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 4809401, Sewerage, **EPI, LLC/EASTPI, LLC**, 6831 East 32nd Street, Suite 300, Indianapolis, IN 46226. This proposed facility is located in Lower Nazareth and Bethlehem Townships, **Northampton County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit to construct/operate a wastewater treatment system with spray irrigation.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 1409201, CAFO Operation, SIC 0241, **Oak Spring Farms**, 272 Middle Road, Centre Hall, PA 16828. This proposed facility is located in Gregg Township, **Centre County**.

Description of Proposed Action/Activity: Oak Hill Farms, an existing dairy farm, proposes the issuance of a WQM permit for the construction and operation of a manure storage pond and modification of the existing manure management system. The manure storage pond will use a HDPE liner. The pond will provide a holding capacity of 4 million gallons.

WQM Permit No. 1408403, Sewerage, SIC 4952, **William R. Davison**, 199 Dawn Lane, Howard, PA 16841. This facility will be located in Howard Township, **Centre County**.

Description of Action/Activity: The applicant is approved to construct and operate a 400 gpd single-residence small flow treatment facility that will discharge to Bullit Run, a CWF. The treatment system will be comprised of a septic tank, an Ecoflo peat bio-filter and chlorine disinfection.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. WQG018687, Sewerage, **David Maries**, 16304 Colwood Drive, Odessa, FL 33556. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

WQM Permit No. WQG018685, Sewerage, **Nicholas Konzal, Sr.**, 147 Kraus Drive, Erie, PA 16511. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909006	Yamunaji Corporation 7471 Keebler Way Allentown, PA 18106	Lehigh	Upper Macungie Township	Iron Run HQ-CWF Spring Creek HQ-CWF Little Lehigh Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509001	Spread Eagle Associates 447 Office Plaza Plaza Court Suite A East Stroudsburg, PA 18301	Monroe	Coolbaugh Township	Hawkey Run HQ-CWF
PAI025208013	Pike County Commissioners 506 Broad Street Milford, PA 18337	Pike	Blooming Grove Township	Billings Creek HQ-CWF
PAI024007006	Luzerne County Road and Bridge Department Luzerne County Courthouse Wilkes-Barre, PA 18711	Luzerne	Hanover Township	Solomon Creek CWF

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063308004	Department of Transportation 2550 Oakland Avenue P. O. Box 429 Indiana, PA 15701-0429	Jefferson	Brookville Borough Rose Township	North Fork Creek HQ-CWF Clement Run CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dallas Township Luzerne County	PAG2004008035	Dallas School District Attn: Frank Galicki 2000 Conyngham Avenue Dallas, PA 18612-0720	Tributary to Toby Creek CWF	Luzerne County Conservation District (570) 674-7991
Wilkes-Barre Township Luzerne County	PAG2004008034	Mahalaxmi Hospitality Group, LLC 200 Tigie Street Dunmore, PA 18512	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*

Washington Township Schuylkill County	PAG2005408021	Terry K. Maier Edgewood Farms, LP T-541 Sunrise Road Pine Grove, PA 17963	Lower Little Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
City of Pottsville Schuylkill County	PAG2005404005R	MBC Properties P. O. Box 472 Schuylkill Haven, PA 17972	West Branch Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Plains Township Luzerne County	PAG2004008037	Turkey Hill, LP Attn: Darel Pfeiff 257 Centerville Road Lancaster, PA 17603	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Hanover Township Luzerne County	PAG2004008039	Urban Southeast, LP Attn: Andrew Delman c/o Claymont Avenue Hanover, PA 18706	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
East Penn Township Carbon County	PAG2001309002	Duane Schleicher 97 Sam Brooke Circle Lehighton, PA 18235	Tributary to Lizard Creek TSF	Carbon County Conservation District (610) 377-4894
Springettsbury Township York County	PAG2006709003	Ajesh Patel East Coast Management, LLC 2 Springville Way Mount Laurel, NJ 08054	Mill Creek Basin WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Warrington Township York County	PAG2006706051-1	Harry H. Fox, Jr. 600 Cold Springs Road Dillsburg, PA 17019	Beaver Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manheim Township York County	PAG2006708085	Thomas E. Hoover South Western School District 225 Bowman Road Hanover, PA 17331	Codorus Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Peach Bottom Township York County	PAG2006709007	Eric Gemmill 458 Gemmill Road Delta, PA 17314	UNT to Neil Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG2006708023	R. Michael Perot White Rock Commercial 1501 LBJ Freeway Suite 550 Dallas, TX 75234	Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Clearfield County Clearfield Borough	PAG2001707013(2)	Samuel McConnell Bionol Clearfield, LLC 1 Pine Hill Drive Quincy, MA 02189	West Branch of Susquehanna River WWF Stinky Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Tioga County Clymer Township	PAG2005909003	Kevin Zink Dominion Transmission, Inc. 5094 Route 349 Westfield, PA 16950	Mill Creek TSF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Tioga County Lawrence Township	PAG2005909004	Gurie Sandhoo Route 49 Lawrenceville, PA 16929	Cowanesque River WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Cambria County
Richland Township

PAG2001109005

Robert M. Blaschak
University of Pittsburgh
at Johnstown
450 Schoolhouse Road
Johnstown, PA 15904

UNT to Little Paint
Creek
CWF

Cambria County
Conservation District
(814) 472-2120

Cambria County
Richland Township

PAG2001109007

Kevin Smith
Lockheed Martin
Aeroparts, Inc.
221 Industrial Park Road
Johnstown, PA 15904

UNT to Sandy Run
CWF

Cambria County
Conservation District
(814) 472-2120

Butler County
Cranberry
Township

PAR10E125-R

Cranberry Business Park
Associates
Cranberry Business Park
Associates, LP
200 West Kensinger
Drive
Suite 400
Cranberry Township, PA
16066

UNT to Brush Creek
WWF

Butler County
Conservation District
(724) 284-5270

Erie County
Millcreek Township

PAG2002509003

Roadway Express/YRC
Worldwide, Inc.
1077 Gorge Boulevard
Akron, OH 44310

UNT to Lake Erie
CWF

Erie County Conservation
District
(814) 825-6403

Mercer County
City of Hermitage

PAG2004309002

Strategic Development
Partners, LLC
c/o Paul H. Paoletta
848 Brandywine Drive
Hermitage, PA 16148

Hogback Run
WWF

Mercer County
Conservation District
(724) 662-2242

Mercer County
City of Hermitage

PAG2004309004

Department of General
Services
c/o Gary R. Taylor
Room 201
18th and Herr Streets
Harrisburg, PA 17125

UNT Hogback Run
WWF

Mercer County
Conservation District
(724) 662-2242

Montgomery
Township
Indiana County

PAG2103209001

BAMR
P. O. Box 8476
Harrisburg, PA
17105-8476

South Branch Cush
Creek
CWF
to West Branch
Susquehanna River

BAMR
P. O. Box 8476
Harrisburg, PA
17105-8476
(717) 783-1311

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Banks Township
Luzerne County

PAR802248

Rolling Frito-Lay Sales,
LP
Hazleton Bin
9 Banks Avenue
McAdoo Industrial Park
McAdoo, PA 18237

Quakake Creek
CWF

DEP—NERO
Water Management
Program
2 Public Square
Wilkes-Barre, PA
18711-2511
(570) 826-2511

Moosic Borough
Lackawanna
County

PAR802247

Rolling Frito-Lay Sales,
LP
Montage Mountain DC
1002 Springbrook Avenue
Moosic, PA 18507

Spring Brook
CWF

DEP—NERO
Water Management
Program
2 Public Square
Wilkes-Barre, PA
18711-2511
(570) 826-2511

Cumberland County
Silver Spring
Township

PAR803714
Transfer 1

Geodis Americas
485C Route 1 South
Suite 410
Iselin, NJ 08830

Hogestown Run
CWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Lancaster County
Manor Township

PAR503501

Lancaster County Solid
Waste Management
Authority
1299 Harrisburg Pike
Lancaster, PA
17604-4425

Manns Run
WWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

Dauphin County
Harrisburg City

PAR503508

The Harrisburg
Authority—Harrisburg
Resource Recovery
Facility
212 Locust Street
Suite 302
Harrisburg, PA 17101

Spring Creek
CWF
7C

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

Perry Township
Greene County

PAR606148

Burnside's Auto Salvage
P. O. Box 429
158 Gas Company Road
Mount Morris, PA 15349

Dunkard Creek

Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000

North Buffalo
Township
Armstrong County

PAR216104

Asbury Graphite Mills,
Inc.
280 Linde Road
Kittanning, PA
16201-7519

Allegheny River

Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Lancaster County
Conoy Township

PAG043503

John Augustine
P. O. Box 111
Bainbridge, PA 17502

Stony Run
WWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

Franklin Park
Borough
Allegheny County

PAG046396

Thomas J. and Katherine
J. Monheim
2481 A Camp Meeting
Road
Sewickley, PA 15143

UNT of Rippling Run

Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000

Spring Creek
Township
Warren County

PAG048730

Mary A. and Mildred B.
Steffens
2371 Tubbs Road
Spring Creek, PA 16436

UNT of Hosmer Run
16-B

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

Summerhill
Township
Crawford County

PAG048774

Carol Ann Scott
11012 Hill Road
Conneautville, PA 16406

UNT to Conneaut Creek
15

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

Fairview Township
Erie County

PAG049508

David Maries
16304 Colwood Drive
Odessa, FL 33556

Walnut Creek
15

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Harborcreek
Township
Erie County

PAG049506

Nicholas Konzel, Sr.
147 Kraus Drive
Erie, PA 16511

Storm sewer tributary to
Lake Erie
15

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

Venango Township
Erie County

PAG049510

Robert Hanes
11274 Sherwood Drive
Wattsburg, PA 16442

UNT to Alder Brook
16A

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

General Permit Type—PAG-8

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Smithfield
Township
Huntingdon County

PAG083536

Borough of Huntingdon
WWTP
530 Washington Street
Huntingdon, PA 16652

Borough of Huntingdon
WWTP
530 Washington Street
Huntingdon, PA 16652

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

General Permit Type—PAG-9

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Turbett Township
Juniata County

PAG093519

James B. Parson
8229 Mountain Road
Port Royal, PA 17082

8229 Mountain Road
Port Royal, PA 17082

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

General Permit Type—PAG-10 (permit number corrections)

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Chanceford,
Hellam,
Lower Chanceford,
Lower Windsor
and
Windsor Townships
York County

PAG103535

Texas Eastern
Transmission, LP
890 Winter Street
Suite 300
Waltham, MA 02451

UNT to Otter Creek
CWF
Beaver Creek
CWF
UNT to Mill Branch
WWF; and South Fork
Otter Creek
WWF
Susquehanna River
WWF
UNT of Kreutz Creek
WWF; and Kreutz Creek
WWF
Wallace Run
CWF and UNT to Muddy
Creek
TSF
UNT to Kreutz Creek
WWF
Fishing Creek
TSF and UNT to Fishing
Creek
CWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4800

East Donegal
Township
Lancaster County

PAG103536

Texas Eastern
Transmission, LP
890 Winter Street
Suite 300
Waltham, MA 02451

Susquehanna River
WWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4800

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Saint Thomas,
Hamilton and
Guilford Townships
Franklin County

PAG103537

Texas Eastern
Transmission, LP
890 Winter Street
Suite 300
Waltham, MA 02451

UNT to Campbell Run
CWF
UNT to Conococheague
Creek
WWF and
Conococheague Creek
WWF
UNT to Conococheague
Creek
WWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4800

Reading and
Tyrone Townships
Adams County

PAG103538

Texas Eastern
Transmission, LP
890 Winter Street
Suite 300
Waltham, MA 02451

South Branch Mud Run
WWF
UNT of Conewago Creek
WWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4800

Harrison Township
Bedford County

PAG103539

Texas Eastern
Transmission, LP
890 Winter Street
Suite 300
Waltham, MA 02451

Milligan Run
WWF
UNT to Buffalo Run
WWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4800

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Water Supply Management Program
Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

Permit No. 2520862, Operations Permit, Public Water Supply.

Applicant

Delaware Valley School District

236 Routes 6 and 209
Milford, PA 18337

Dingman Township

County

Pike

Type of Facility

PWS

Consulting Engineer

Michael W. Weeks, P. E.
MH&E
111 Wheatfield Drive
Suite 1
Milford, PA 18337

**Permit to Operate
Issued**

April 27, 2009

Permit No. 3130009, Operations Permit, Public Water Supply.

Applicant

Lehighton Water Authority

Box 29
Municipal Building
Lehighton, PA 18235
Franklin Township

County

Carbon

Type of Facility

PWS

Consulting Engineer

Laurence Zimmerman, P. E.
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100

**Permit to Operate
Issued**

April 17, 2009

Permit No. 6609502MA, Minor Amendment, Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**
4211 East Park Circle
P. O. Box 4151
Harrisburg, PA 17111
Noxen Township

County **Wyoming**

Type of Facility PWS

Consulting Engineer Arthur C. Saunders, P. E.
United Water Pennsylvania, Inc.
4211 East Park Circle
P. O. Box 4151
Harrisburg, PA 17111

Permit to Construct Issued April 28, 2009

Southcentral Region: Water Supply Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3608523, Public Water Supply.

Applicant **West Earl Water Authority**

Municipality West Earl Township

County **Lancaster**

Type of Facility Replacement and capacity increase of booster pumps at the Oregon Pike Booster Pump Station.

Consulting Engineer Matthew D. Warfel
The ARRO Group, Inc.
270 Granite Run Drive
Lancaster, PA 17601-6804

Permit to Construct Issued April 24, 2009

Permit No. 3608521, Public Water Supply.

Applicant **Black Rock Retreat Association**

Municipality Colerain Township

County **Lancaster**

Type of Facility Installation of nitrate treatment.

Consulting Engineer Thomas J. Whitehill, P. E.
Whitehill Consulting Engineers
763 Conowingo Road
Quarryville, PA 17566

Permit to Construct Issued May 1, 2009

Permit No. 3108506, Public Water Supply.

Applicant **Broad Top City Water Authority**

Municipality Wood Township

County **Huntingdon**

Type of Facility Installation of the Trough Creek Well Field with disinfection and the replacement of the distribution system.

Consulting Engineer Mark V. Glenn, P. E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602-4475

Permit to Construct Issued April 24, 2009

Permit No. 0509501 MA, Minor Amendment, Public Water Supply.

Applicant **Bedford Township Municipal Authority**

Municipality Bedford Township

County **Bedford**

Type of Facility Area II and Area III water line extension.

Consulting Engineer Timothy A. Cooper, P. E.
Stiffler McGraw & Associates Inc.
19 North Juniata Street
Hollidaysburg, PA 16648

Permit to Construct Issued April 29, 2009

Operations Permit issued to **Manheim Borough Authority**, 7360078, Manheim Borough, **Lancaster County** on April 29, 2009, for the operation of facilities approved under Construction Permit No. 3605502.

Operations Permit issued to **Richfield Area Joint Authority**, 4340009, Monroe Township, **Juniata County** on April 30, 2009, for the operation of facilities approved under Construction Permit No. 3407502.

Operations Permit issued to **Altoona City Authority**, 4070023, Logan Township, **Blair County** on April 24, 2009, for the operation of facilities approved under Construction Permit No. 0708507 MA.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 3060030, Robeson Township, **Berks County** on April 29, 2009, for the operation of facilities approved under Construction Permit No. 0609501 MA.

Operations Permit issued to **Cove Rentals**, 7500020, Penn Township, **Perry County** on April 17, 2009, for the operation of facilities approved under Construction Permit No. 7500020 T-1.

Northcentral Region: Water Supply Management Program Manager; 208 West Third Street, Williamsport, PA 17701.

Operations Permit issued to **Haines Woodward Municipal Authority**, P. O. Box 147, Woodward, PA 16882, (PWSID No. 4110094) Haines Township, **Centre County** on April 17, 2009, to add a new well and a finished water storage tank under Construction Permit No. 1407504.

Permit No. 0809502—Operation, Public Water Supply.

Applicant **Wysox Presbyterian Church**

Township or Borough Wysox Township

County **Bradford**

Responsible Official Ron Irvine
Route 187 North
Wysox, PA 18854

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date April 30, 2009

Description of Action Operation of a cation exchange water softening system to remove barium and manganese.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0408503, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**
1425 8th Avenue
P. O. Box 400
Beaver Falls, PA 15010

Borough or Township Eastvale Borough

County **Beaver**

Type of Facility Eastvale water intake

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit to Construct Issued April 24, 2009

Permit No. 0409501, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**
1425 8th Avenue
P. O. Box 400
Beaver Falls, PA 15010

Borough or Township Eastvale Borough

County **Beaver**

Type of Facility Deer Lane pump station and transmission line to Zelenople

Consulting Engineer Michael Baker, Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

Permit to Construct Issued May 3, 2009

Operations Permit issued to **Department of Corrections, SCI-Pittsburgh**, 3001 Beaver Avenue, Pittsburgh, PA 15233, (PWSID No. 5020057) City of Pittsburgh, **Allegheny County** on April 19, 2009, for the operation of facilities approved under Construction Permit No. 0209501MA.

Operations Permit issued to **Parks Township Municipal Authority**, 1106 Highland Avenue, Vandergrift, PA 15690, (PWSID No. 5030025) Parks Township, **Armstrong County** on April 19, 2009, for the operation of facilities approved under Construction Permit No. 0307501.

Permit No. 0209508MA, Minor Amendment, Public Water Supply.

Applicant **Pittsburgh Water and Sewer Authority**
1200 Penn Avenue
2nd Floor
Pittsburgh, PA 15222-4204

Borough or Township City of Pittsburgh

County **Allegheny**

Type of Facility Brashear water storage tanks

Consulting Engineer

Permit to Construct Issued April 19, 2009

Permit No. 0209504MA, Minor Amendment, Public Water Supply.

Applicant **Moon Township Municipal Authority**
1700 Beaver Grade Road
Suite 200
Coraopolis, PA 15108-3193

Borough or Township Moon Township

County **Allegheny**

Type of Facility Water treatment plant

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit to Construct Issued May 3, 2009

Permit No. 0409503MA, Minor Amendment, Public Water Supply.

Applicant **New Sewickley Township Municipal Authority**
233 Miller Road
Rochester, PA 15074

Borough or Township New Sewickley Township

County **Beaver**

Type of Facility Highview water storage tank

Consulting Engineer Michael Baker, Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

Permit to Construct Issued May 3, 2009

Permit No. 0208506MA, Minor Amendment, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park and Pool Road
New Stanton, PA 15672

Borough or Township White Oak Borough

County **Allegheny**

Type of Facility White Oak Borough water storage tank

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Permit to Operate Issued April 27, 2009

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Operations Permit issued to **Steven and Joycie Pfaff, d/b/a Pinedale Mobile Home Park**, PWSID No. 6200076, East Fallowfield Township, **Crawford County**, April 30, 2009, for treatment modifications for iron and manganese removal and arsenic absorption as permitted under construction permit No. 2007502, issued May 7, 2008.

Department of Environmental Protection, Southcentral Region, Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

Plan Location: on the northeast side of Patton Bridge Road, 1,000 feet west of Kuhn Road.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antrim Township	P. O. Box 130 10655 Antrim Church Road Greencastle, PA 17225	Franklin County

Plan Description: The approved plan, in the name of William Yaukey, provides for a Small Flow Treatment Facility to serve one single-family residential dwelling. The SFTF will discharge to the Conococheague Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Jeff Steinbach Property, Derry Township, **Mifflin County**. ATC Associates, Inc., 101 Allegheny Street, Suite 2B, Hollidaysburg, PA 16648, on behalf of Jeff Steinbach, 26 North Mann Avenue, Yeagertown, PA 17099, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Corning Frequency Control Plant 1, Mount Holly Springs Borough, **Cumberland County**. Weston Solutions, Inc., 1400 Weston Way, P. O. Box 2653, West Chester, PA 19380, on behalf of Corning Incorporated, HP-ME-03-079, Corning, NY 14831, submitted a Remedial Investigation and Risk Assessment Report concerning remediation of groundwater contaminated with solvents. Groundwater will be remediated to the Site-Specific Standard.

4 Pine Lane Property, Union Township, **Lebanon County**. Liberty Environmental, Inc., 50 North 5th Street, Fifth Floor, Reading, PA 19601, on behalf of Paul and Judy Wengert, 987 Daffodil Drive, Lebanon, PA 17052, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil from an underground storage tank. The site will be remediated to a Residential Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Crossett Trucking Clearfield Release, Pine Township, **Clearfield County**, Letterle & Associates, LLC, 191 Howard Street, Franklin, PA 16823 on behalf of Crossett, Inc., P. O. Box 946, Warren, PA 16365 has submitted a Final Report concerning remediation of site soil and groundwater near the intersection of Route 153 (Department of Transportation's Ramp H) contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Arcos Industries, Mount Carmel Township, **Northumberland County**, B L Companies, 213 Market Street, Harrisburg, PA 17101 on behalf of Arcos Industries, 1 Arcos Drive, Mount Carmel, PA 17851 has submitted a Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with chlorinated solvents and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard and Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental

media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Former Grube Service Station, 228 Cattell Street, Easton City, **Northampton County**. Christopher T. Kotch and Keith A. Valentine, Barry Isett & Associates, Inc., P. O. Box 147, 85 South Route 100 and Kessler Lane, Trexlertown, PA 18087 submitted a Final Report (on behalf of their client, Lafayette College, 630 Parson Street, Easton, PA 18042), concerning the remediation of soils found to have been impacted by waste oil/lead as a result of an accidental release from an unregulated underground storage tank. The report documented attainment of the Statewide Health Standard and was approved on April 29, 2009.

Former Valley Iron and Steel Property, 1421 Mack Boulevard, Allentown City, **Lehigh County**. Vincent Carbone, P. G., HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Final Report (on behalf of his client, Robert Ciccone, Mack Project, LLC, P. O. Box 86, Bath, PA 18014-0086), concerning the characterization and remediation of groundwater found to have been impacted by volatile organic constituents. The report documented attainment of the Site-Specific Standard using pathway elimination and was approved on May 1, 2009.

Former Valley Iron and Steel Property, 1421 Mack Boulevard, Allentown City, **Lehigh County**. Vincent Carbone, P. G., HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Final Report (on behalf of his client, Abraham Atiyeh, Mack Residence, LLC and Mack Project, LLC, 1177 6th Street, Whitehall, PA 18052-5212), concerning the characterization and remediation of soils found to have been impacted by inorganics, volatile and semi-VOCs and PCBs. The report documented attainment of the Site-Specific Standard and was approved by Central Office on January 5, 2009.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Maple Springs Center, Borough of Birdsboro, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Maple Springs Development, 6 Industrial Drive, Birdsboro, PA 19508, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an underground storage tank. The Final Report demonstrated attainment of the Nonresidential Statewide Health Standard and was approved by the Department of Environmental Protection on April 30, 2009.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Reinhart Food Service, LLC, Coal Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Reinhart Food Service, LLC, 100 Industrial Park Road, Coal Township, PA 17866 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on April 28, 2009.

MUNICIPAL WASTE GENERAL PERMITS

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGM028D004. Granger Energy of Honey Brook, LLC, 16980 Wood Road, Lansing, MI 48906-1044.

General Permit Number WMGM028D004 is for the processing and beneficial use of landfill gas (LFG), generated at the Lanchester Landfill, located in Caernarvon Township, **Lancaster County**, for use as: (1) a substitute for high or medium Btu-LFG for natural gas or other fuel; (2) a substitute for natural gas or other fuel to be interconnected with another pipeline for consumer use; and (3) an alternative fuel for the electric generators to produce electricity. The general permit was issued by Central Office on May 1, 2009.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381.

TDD users should contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 101481. Mid-Atlantic Recycling and Distribution Center, Apex Waste Services, Inc., 13 Peggy Parkway, Dunmore, PA 18512. A Permit Renewal was issued in the Regional Office on April 27, 2009. The expiration date is August 3, 2012.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 300370. Allegheny Energy Supply Company, LLC, 800 Cabin Hill Drive, Greensburg, PA 15601. Permit application for the Phase 3 Expansion of the Hatfield's Ferry Power Station CCB Landfill in Monongahela Township, **Greene County** was issued in the Regional Office on May 4, 2009.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

GP5-32-00396A: U.S. Energy Exploration Corp. (P. O. Box 237, Rural Valley, PA 16249) To use GP-5 for installation and operation of one Caterpillar G3516TALE, lean-burn natural gas-fired engine, rated at 1,151 Bhp, and one NATCO dehydrator, rated at 0.2 mmBtu/hr at the R & P Compressor Station in Young Township, **Indiana County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

46-0032E: SPS Technologies, Inc. (301 Highland Avenue, Jenkintown, PA 19046) on May 5, 2009, to install two coating booths, at SPS major manufacturing aerospace parts facility at Highland Avenue, Abington Township, **Montgomery County**. The installation of two coating booths may result in the emissions of: 0.31 tpy of PM, 6.84 tpy of VOCs and 0.50 tpy of HAPs. The Plan Approval and Operating Permit will contain additional

recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 46-00032. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

46-0025J: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on May 4, 2009, to operate seven process tanks and one storage tank in Upper Merion Township, **Montgomery County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

24-083J: Carbone of American Ind., Corp. (215 Stackpole Street, St. Marys, PA 15857) on April 28, 2009, to install a process furnace with appropriate emission control equipment in St. Marys, **Elk County**. This is a Title V Facility.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

15-00043: Sunoco Partners Marketing and Terminals LP—Malvern Terminal (41 Malin Road, Malvern, PA 19355) on April 30, 2009, to renew their Title V Operating Permit in East Whiteland Township, **Chester County**. This action is a. The initial permit was issued on August 17, 1999. This facility receives gasoline by means of underground pipes and distributes gasoline into tank trucks. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in the Clean Air Act and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code § 127, Subpart G. This renewal adopts the applicable requirements under 40 CFR Part 64—Compliance Assurance Monitoring. It contains all applicable requirements including monitoring and recordkeeping and reporting and does not reflect any change in air emissions from the facility.

46-00037: Cabot Supermetals (650 County Line Road, Boyertown, PA 19512) on April 30, 2009, for renewal of the Title V Operating Permit, in Douglass Township, **Montgomery County**. The initial permit was issued on December 31, 2001. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

09-00124: Fairless Energy, LLC (50 Sinter Road, Fairless Hills, PA 19030) On May 5, 2009, for operation of an electric generating station in Falls Township, **Bucks County**. The permit is for a Title V facility. The facility is considered a major source of NO_x, CO, VOCs and PM emissions, with maximum potential emissions of 424.7 tpy, 360.5 tpy, 88.4 tpy and 387.6 tpy, respectively. Fairless Energy, LLC owns and operates four natural gas-fired combined-cycle electric generation units. Other sources include two natural gas preheaters, one auxiliary boiler and four cooling towers. The facility is subject to the requirements of 40 CFR Part 60, New Source Performance Standards, Subpart GG, Subpart Da and Subpart Dc, as well as Acid Rain Requirements of 40 CFR Part 72 and Clean Air Interstate Rules (CAIR) of 40 CFR Part 97. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2507.

48-00057: Steel Management Systems, LLC (3045 Bath Pike, Nazareth, PA 18064) on April 30, 2009, to renew a Title V Operating Permit for operation of a metal preparation and coating facility in Upper Nazareth Township, **Northampton County**.

40-00003: The Hershey Co. (P. O. Box 340, Hazleton, PA 18201) on April 24, 2009, for a new Title V Permit to operate a chocolate and confectionary manufacturing facility in Hazle Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

67-05005: PPL Brunner Island, LLC (2 North Ninth Street, Allentown, PA 18101-1139) on May 5, 2009, to operate their Brunner Island Steam Electric Station in East Manchester Township, **York County**. This Title V Operating Permit was administratively amended to correct stack testing provisions in a minor modification that was originally published in the *Pennsylvania Bulletin* on April 22, 2009. This is Revision No. 4.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

46-00239: SEI Investments Co. (100 Cider Mill Road, Oaks, PA 19456) on April 30, 2009, for a State-only, Synthetic Minor Operating Permit in Upper Providence Township, **Montgomery County**. The company has three emergency generators less than 750 kW and two emergency generators of 1,250 kW operated using No. 2 fuel oil. Each of two 1,250-kW emergency generators shall be limited to 200 hours of operation for a 12-month rolling basis. The facility is limited to NO_x emissions of 7.77 tons per ozone season and 11.62 tpy on a 12-month rolling basis. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

46-00044: Glasgow, Inc. (Church and Flint Hill Roads, King of Prussia, PA 19406) on April 30, 2009, to operate a batch hot mix asphalt (HMA) plant and various operations of a stone crushing plant at their McCoy facility in

Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The potentials to emit NO_x and VOCs from the facility each exceed 25 tpy. However, the amount of HMA produced at the facility is restricted to 576,000 tpy to restrict NO_x and VOC emissions from the facility to less than 25 tpy each. Therefore, the facility is categorized as Synthetic Minor. The permit will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

46-00174: Montgomery County SPCA (19 East Ridge Pike, Conshohocken, PA 19428-0222) on April 30, 2009, to operate and maintain an animal crematorium in Whitemarsh Township, **Montgomery County** and for renewal of the State-only (Natural Minor) Operating Permit. The Montgomery County SPCA from which the main pollutants emitted are NO_x and PM. The actual emission rates of NO_x and PM from the crematorium are each less than 1 tpy. No changes have occurred at the facility since the permit was originally issued on September 12, 2003. The renewed permit will include the same monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00166: M & M Stone Co. (460 Indian Creek Road, Harleysville, PA 19438) on May 5, 2009, a non-Title V, Natural Minor facility in Lower Salford Township, **Montgomery County**. The company owns and operates a stone quarry, portable crusher with an electric generator and a batch asphalt plant at this location. The company produces a potential of 24.16 tons of NO_x per year, 10.15 tons of SO_x per year, 13.92 tons PM per year, 41.45 tons of CO per year and 14.55 tons of VOCs per year. Monitoring and recordkeeping requirements have been added to the permit to address applicable limitations.

46-00021: First Quality Retail Services, LLC (601 Allendale Road, King of Prussia, PA 19406) on May 5, 2009, for a renewal of State-only (Synthetic Minor) Operating Permit No. 46-00021, in Upper Merion Township, **Montgomery County**, which was originally issued on September 8, 2003 and amended on July 2, 2004. The State-only Operating Permit (SOOP) is for the operation of three boilers, three emergency generators, a fire pump and 26 adult diaper and sanitary napkin production lines with associated dust collectors. The main pollutants emitted from the facility are NO_x and PM. To maintain Synthetic Minor status, a site-level NO_x emission restriction of less than 25 tpy is listed in the SOOP. The renewed SOOP will include the addition of an emergency generator and adult diaper production lines and the removal of some sanitary napkin and all baby diaper production lines, as well as monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

39-00092: Hale Trailer Brake & Wheel, Inc. (5361 Oak View Drive, Allentown, PA 18104) on April 20, 2009, for a new State-only Operating Permit for a surface coating process at a trailer manufacturing and repair facility in Upper Macungie Township, **Lehigh County**.

39-00058: Packaging Corporation of America (7451 Cetrionia Road, Allentown, PA 18106) on May 1, 2009, to issue a State-only (Natural Minor) Operating Permit for

operation of a corrugated and solid fiber box manufacturing facility in Upper Macungie Township, **Lehigh County**.

40-00057: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) on May 1, 2009, for renewal of a State-only (Synthetic Minor) Operating Permit to operate a batch asphalt plant and associated air cleaning devices at their facility in Dorrance Township, **Luzerne County**.

52-00002: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on May 1, 2009, for renewal of a State-only (Synthetic Minor) Operating Permit to operate a rock crushing operation and batch asphalt plant with associated air cleaning devices at their facility in Milford Borough, **Pike County**.

66-00005: Reading Materials, Inc. (2052 Lucon Road, Skippack, PA 19474) on May 1, 2009, a State-only Operating Permit to operate a rock crushing operation and associated air cleaning devices at their Hilltop Quarry in Falls Township, **Wyoming County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

21-05013: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17050-2654) on April 27, 2009, for their commercial printing operation in Mechanicsburg Borough, **Cumberland County**. This is a renewal of the State-only operating permit.

21-05028: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17050-2654) on April 28, 2009, for their Plant No. 2 commercial printing operation in Mechanicsburg Borough, **Cumberland County**. This is a renewal of the State-only operating permit.

28-03043: CAM Superline, Inc. (4763 Zane A. Miller Drive, Waynesboro, PA 17268-8667) on April 28, 2009, for operation of their surface coating facility in Washington Township, **Franklin County**. This is a renewal of the State-only operating permit.

36-03132: Fab-Rick Industries, Inc. (1780 Newport Road, Ephrata, PA 17522-8762) on April 24, 2009, for operation of their spray booth in West Earl Township, **Lancaster County**. This is a renewal of the State-only operating permit.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00021: MRI Flexible Packaging Co. (122 Penns Trail, Newtown, PA 18940) on April 30, 2009, has been amended to incorporate printing press No. 7 and requirements from Plan Approval No. 09-0021B into the State-only Operating Permit for a plant in Newtown Township and **Bucks County**. The amended State-only Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits.

46-00200: John Middleton Co. (475 North Lewis Road, Limerick, PA 19468) on May 1, 2009, for the non-Title V (State-only) facility located at 418 West Church Road, King of Prussia, **Montgomery County**. The Administrative Amendment incorporates the condi-

tions of Plan Approval 46-0200A, for a 350 hp boiler. Concomitantly all references and regulatory requirements for the 200 hp boiler removed from the facility are removed from the amended Operating Permit. With the amended Operating Permit, the previous headquarters address for John Middleton Co. is included. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

15-00067: Herr Foods, Inc. (273 Old Baltimore Pike, West Nottingham, PA 19362) on May 5, 2009, to incorporate a new cheese curl production line and its conditions from Plan Approval 15-0067E into the State-only Operating Permit in West Nottingham Township, **Chester County**. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

65-00891: Firestone Building Products Co. (102 Avenue A, Youngwood, PA 15697-1700) on April 28, 2009, has been granted an administrative amendment to the operating permit, revising the responsible official and permit contact information for their Youngwood Plant, located in Youngwood, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

42-00184: Keystone Powdered Metal Co.—Lewis Run Plant (8 Hanley Drive, Lewis Run, PA 16738) on April 29, 2009, for an administrative amendment to a Natural Minor Operating Permit Number 42-00184 incorporate requirements from Plan Approval Number 42-184H to install a new Induction Heat Treater and ESP control device at their powdered metal part manufacturing facility in the Borough of Lewis Run, **McKean County**. The emissions of criteria pollutants from this facility remain below major source levels.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

15-00084: Jane Latta, VMD (725 East Washington Street, West Chester, PA 19380-4539) on April 30, 2009, for revocation of the veterinary facility's State-only (Natural Minor) Operating Permit in West Goshen Township, **Chester County**. The animal crematorium at the facility was permanently shut down in August 2008.

GP14-23-0123: Donohue Funeral Home (8401 West Chester Pike, Upper Darby, PA 19082) On May 1, 2009, for operation of a human crematory in Upper Darby Township, **Delaware County**. The crematorium is in a C-1 zoned district which does not allow crematories by right.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S.

§§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

03980106 and NPDES Permit No. PA0202291. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in South Bend Township, **Armstrong County**, affecting 94.1 acres. Receiving streams: UNT to Lindsay Run to Crooked Creek. Application received April 8, 2009. Renewal issued April 30, 2009.

26743202 and NPDES Permit No. PA0069736. Fayette Coal & Coke, Inc. (2611 Memorial Boulevard, Connellsville, PA 15425). Permit revised to add 37.1 acres, include a stream and road variance, add beneficial coal ash as a soil amendment and include a reclamation plan at an existing bituminous surface mining (coal refuse reprocessing) site located in Dunbar and North Union Townships, **Fayette County**, now affecting 150.1 acres. Receiving streams UNTs to and including Rankin Run. Application received August 14, 2008. Revised permit issued May 1, 2009.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

54980102T2. Tuscarora Mines & Minerals Corp. (P. O. Box 131, Tuscarora, PA 17982), renewal and transfer of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 144.6 acres, receiving stream: none. Renewal application received November 20, 2008, and Transfer application received December 11, 2008. Renew and transfer issued May 1, 2009.

Noncoal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

11940301 and NPDES No. PA0212873. Pheasant and Shearer, 1922 Ohio Street, Johnstown, PA 15904, renewal of NPDES permit in East Taylor Township, **Cambria County**, affecting 201.2 acres. Receiving streams: UNTs to and Hinkston Run, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 23, 2009. Permit issued April 28, 2009.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

42092801. Edward S. Kocjancic (20 Laurel Avenue, Kane, PA 16735) Commencement, operation and restoration of a small noncoal sandstone operation in Wetmore

Township, **McKean County** affecting 3.0 acres. Receiving streams: Hubert Run. Application received January 7, 2009. Permit issued April 29, 2009.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

58080858. Cambridge Natural Stone Co., Inc. (P. O. Box 5351, Somerset, NJ 08875-5351), commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received December 12, 2008. Permit issued April 28, 2009.

58090804. Donald C. Button, (P. O. Box 642, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received February 9, 2009. Permit issued April 30, 2009.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

11094001. Douglas Explosives, P. O. Box 77, Philipsburg, PA 16866, blasting activity permit issued for new home development in Portage Township, **Cambria County**. Blasting activity permit end date is July 31, 2009. Permit issued April 27, 2009.

21094115. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for airport development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is April 21, 2010. Permit issued April 23, 2009.

28094105. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Antrim Township, **Franklin County**. Blasting activity permit end date is April 15, 2010. Permit issued April 23, 2009.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

63094001. Dana Explosives, Inc. (945 Brisbin Street, Houtzdale, PA 16651). Blasting activity permit for the Westland Dome 3D, located in Independence Township, **Washington County**. The expected duration of blasting is 60 days. Blasting permit issued April 28, 2009.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

36094122. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Hinkletown Mennonite School in Earl Township, **Lancaster County** with an expiration date of May 1, 2010. Permit issued April 28, 2009.

45094102. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blast-

ing for Crossroads II in Hamilton and Stroud Townships, **Monroe County** with an expiration date of January 15, 2010. Permit issued April 28, 2009.

38094107. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for DGS Stryker Lebanon in the City of Lebanon and South Lebanon Township, **Lebanon County** with an expiration date of April 30, 2010. Permit issued April 29, 2009.

38094108. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Northside Commons in South Londonderry Township, **Lebanon County** with an expiration date of July 30, 2009. Permit issued April 29, 2009.

45094115. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Penn Regional Business Center in Smith Field Township, **Monroe County** with an expiration date of April 20, 2010. Permit issued April 29, 2009.

48094001. Dykon Explosive Demolition Corp., (1202 West 36th Street North, Tulsa, OK 74127), Demolition of 600' Concrete Smokestack in Lower Mt. Bethel Township, **Northampton County** with an expiration date of May 31, 2009. Permit issued April 30, 2009.

58094011. Meshoppen Blasting, Inc., (P. O. Box 127, Frantz Road, Meshoppen, PA 18630), construction blasting for the Przbyszewski Well Site in Auburn Township, **Susquehanna County** with an expiration date of August 30, 2009. Permit issued April 30, 2009.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office: Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E40-674. Luzerne County Board of Commissioners, Luzerne County Court House, 200 North River Street, Wilkes-Barre, PA 18711. Hanover Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a single-span prestressed concrete spread box beam bridge, having a normal clear span of 93 feet and an underclearance of 9.6 feet across Solomon Creek (CWF). The project is located along Breaker Road (Township Route T-860), approximately 0.5 mile downstream of the Sans Souci Parkway (SR 2002) along Solomon Creek (Wilkes-Barre West, PA Quadrangle Latitude: 41° 13' 36"; Longitude: 75° 56' 10"). (Subbasin: 5B)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

E38-163: Jeffrey Camp, 633 West Germantown Pike, Suite 104, Plymouth Meeting, PA 19462, Lickdale Associates/Logistics Park, Union Township, **Lebanon County**, United States Army Corps of Engineers, Baltimore District.

To: (1) remove an existing 18.0-inch by 24.0-inch CMP from a UNT to the Swatara Creek (WWF) (Indiantown Gap, PA Quadrangle N: 11.29 inches; W: 1.69 inches, Latitude: 40° 26' 4.8" N; Longitude: 76° 30' 46.2" W); (2) remove an existing 12.0-inch metal culvert from a UNT to the Swatara Creek (WWF) (Indiantown Gap, PA Quadrangle N: 10.84 inches; W: 1.76 inches, Latitude: 40° 26' 4.8" N; Longitude: 76° 30' 45.5" W); (3) remove an existing 8.0-inch diameter concrete pipe from a UNT to the Swatara Creek (WWF) (Indiantown Gap, PA Quadrangle N: 11.77 inches; W: 1.98 inches, Latitude: 40° 26' 23.4" N; Longitude: 76° 30' 51.3" W); (4) construct and maintain an 83.0-foot long, 36.0-inch diameter SLCPP with a 4.0-inch PVC sanitary sewer, a 10.0-inch diameter DIP water and a 6.0-inch diameter PVC electric line utility crossing in a UNT to the Swatara Creek (WWF) (Indiantown Gap, PA Quadrangle N: 11.35 inches; W: 1.66 inches, Latitude: 40° 26' 15" N; Longitude: 76° 30' 43" W); (5) construct and maintain a 102.0-foot long, 30.0-inch diameter SLCPP culvert in a UNT to the Swatara Creek (WWF) (Indiantown Gap, PA Quadrangle N: 11.00 inches; W: 1.47 inches, Latitude: 40° 26' 08" N; Longitude: 76° 30' 38" W); (6) remove an existing 65.2-foot long, 36.0-inch diameter concrete pipe culvert and to construct and maintain a 0.50-foot depressed, 132.0-foot

long, 5.0-foot high by 6.0-foot wide concrete box culvert in a UNT to the Swatara Creek (WWF) to relocate the stream, also to construct and maintain a 4.0-inch PVC sanitary sewer, a 10.0-inch diameter DIP water and 6.0 inch diameter PVC electric line utility crossing under the proposed culvert in a UNT to the Swatara Creek (WWF) (Indiantown Gap, PA Quadrangle N: 11.55 inches; W: 1.70 inches, Latitude: 40° 26' 19" N; Longitude: 76° 30' 44" W); (7) to construct and maintain a 0.50-foot depressed, 151.0-foot long, 6.0-foot high, by 3.0-foot wide concrete box culvert having a 24.0-inch diameter storm sewer pipe, an 8.0-inch sanitary sewer line, a 10.0-inch diameter DIP water and a 6.0-inch diameter PVC electric line utility crossing under the proposed culvert in a UNT to the Swatara Creek (WWF) (Indiantown Gap, PA Quadrangle N: 11.40 inches; W: 2.13 inches, Latitude: 40° 26' 16" N; Longitude: 76° 30' 55" W); (8) to construct and maintain a 10.0-foot long, 48.0-inch diameter SLCPP utility line crossing over an existing 12.0-inch diameter culvert in a UNT to the Swatara Creek (WWF) (Indiantown Gap, PA Quadrangle N: 10.14 inches; W: 1.51 inches, Latitude: 40° 25' 51" N; Longitude: 76° 30' 39" W); (9) to place and maintain fill in 0.20 acre of palustrine emergent wetland (PEM) for the construction of the proposed Old Forge Road (Indiantown Gap, PA Quadrangle N: 11.70 inches; W: 1.74 inches, Latitude: 40° 26' 22" N; Longitude: 76° 30' 45" W); (10) to construct and maintain a 0.50-foot depressed, 116.0-foot long, 12.0-foot high by 9.0-foot wide concrete box culvert with a 4.0-inch PVC sanitary sewer, a 10.0-inch diameter DIP water and a 6.0-inch diameter PVC electric line utility crossing in a UNT to the Swatara Creek (WWF) also impacting 0.017 acre of palustrine forested scrub/shrub wetlands (PFO/PSS) (Indiantown Gap, PA Quadrangle N: 12.01 inches; W: 1.74 inches, Latitude: 40° 26' 28" N; Longitude: 76° 30' 45" W); (11) to construct and maintain a 0.50-foot depressed, 85.0-foot long 5.0-foot high by 4.0-foot wide concrete box culvert with a 2.0 inch diameter PVC, a 4.0 inch PVC sanitary sewer pipe, a 10.0-inch diameter DIP water and a 6.0-inch diameter PVC electric line utility crossing impacting 85.0 linear feet of a UNT to the Swatara Creek (WWF) and 0.16 acre of palustrine emergent/scrub shrub/forested (PFO/PSS/PEM) (Indiantown Gap, PA Quadrangle N: 11.15 inches; W: 1.74 inches, Latitude: 40° 26' 11" N; Longitude: 76° 30' 46" W); (12) to place and maintain fill in 0.10 acre of palustrine emergent wetland (PEM) for the purpose of constructing warehouse buildings and an access road (Indiantown Gap, PA Quadrangle N: 10.09 inches; W: 1.70 inches, Latitude: 40° 25' 50" N; Longitude: 76° 30' 44" W); (13) to place and maintain fill in 0.11 acre of palustrine scrub shrub wetlands (PSS) for the purpose of constructing warehouse buildings and an access road (Indiantown Gap, PA Quadrangle N: 11.40 inches; W: 1.70 inches, Latitude: 40° 26' 16" N; Longitude: 76° 30' 56" W); (14) to place and maintain fill in 0.61 acre of palustrine forested wetlands (PFO) located in and affecting 65.0 linear feet of floodway of a UNT to the Swatara Creek (WWF) (Indiantown Gap, PA Quadrangle N: 10.74 inches; W: 1.82 inches, Latitude: 40° 26' 03" N; Longitude: 76° 30' 47" W); and (15) to place and maintain fill in 0.02 acre of palustrine emergent wetlands (PEM) for the purpose of constructing the proposed warehouse and access roads (Indiantown Gap, PA Quadrangle N: 11.80 inches; W: 1.74 inches, Latitude: 40° 26' 24" N; Longitude: 76° 30' 45" W) all for the purpose of constructing three warehouse facilities and associated access and parking for an industrial park located at a point northwest of the intersection of SR 72 and Borden'sville Road in Union Township **Lebanon County**. Wetland replacement of 1.81 acres of (PEM/PSS/PFO) is proposed onsite.

E07-422: Department of Transportation Engineering District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648, Logan Township, **Blair County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) a 50.0-foot long stream channel relocation of a perennial UNT to Dry Gap Run (HQ-CWF) (Altoona, PA Quadrangle N: 5.6 inches; W: 10.63 inches, Latitude: 40° 31' 54.96" N; Longitude: 78° 27' 10.69"); (2) a 12.0-inch outfall structure discharging to a UNT to Dry Gap Run (HQ-CWF) (Altoona, PA Quadrangle N: 5.6 inches; W: 10.63 inches, Latitude: 40° 31' 54.96" N; Longitude: 78° 27' 10.69"); and (3) an extension of 8.0 lineal feet of 24.0-inch culvert pipe to an existing 24.0-inch cast iron pipe having a total length of 69.0 feet within a UNT to Dry Gap Run (HQ-CWF) (Altoona, PA Quadrangle N: 5.6 inches; W: 7.6 10.63 inches, Latitude: 40° 31' 54.96" N; Longitude: 78° 27' 10.69"). The project will permanently impact 58.0 feet of perennial stream, all for the purpose of providing safety improvement to SR 0036, Segment 0530 in Logan Township, Blair County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E14-519. College Township, 1481 East College Avenue, State College, PA 16801. Spring Creek Pedestrian Bridge, in College Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (State College, PA Quadrangle Latitude: 40° 49' 7"; Longitude: 77° 49' 19").

To construct and maintain a 4-foot wide by 38.5 foot long steel beam and wood deck bank-to-bank pedestrian bridge, borne on existing abutments, with a maximum underclearance of 7 feet, over Spring Creek, located in Spring Creek Park 280 feet southwest of the intersection of Spring Lea Drive and Houserville Road. This permit was issued under section 105.13(e) "Small Projects." This permit also includes Water Quality Certification under section 401(a) Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

E53-422. Coudersport Borough, 201 South West Street, Coudersport, PA 16915. Fourth and Seventh Streets Bridge Replacement, in Coudersport Borough, **Potter County**, United States Army Corps of Engineers, Pittsburgh District (Coudersport, PA Quadrangle N: 41° 46' 45"; W: 78° 01' 09").

The proposed project involves the construction and maintenance of multiple bridge structure replacements over the concrete lined section of the Allegheny River, located within Coudersport Borough, Potter County. The existing structures, located at Fourth and Seventh Streets, will be removed. The historic bridge removed from Seventh Street will be moved to the Fourth Street location and used as a pedestrian crossing. The historic bridge is a single-span steel Pratt through truss/arch structure with a clear span of 70.7 ft., an underclearance of 11.03 ft. and a skew of 90°. The proposed Seventh Street structure is a single-span prestressed concrete spread box beam bridge with a clear span of 55.98 ft., an underclearance of 10.78 ft. and a skew of 84°. There is no anticipated stream disturbance, as no bridge construction work will take place within the concrete lined channel. The stream is classified as a CWF. There are no wetlands present within the project area. This permit also includes Water Quality Certification under section 401(a) of FWPCA (33 U.S.C.A. § 1341(a)).

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1599. Township of Moon, 1000 Beaver Grade Road, Moon Township, PA 15108. To construct an outfall structure and walking bridges in Moon Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Ambridge, PA Quadrangle N: 5.2 inches; W: 16.6 inches, Latitude: 40° 31' 43"; Longitude: 80° 14' 40"). To place and maintain fill on and to regrade and maintain the left bank of a UNT to Flaugherty Run (WWF), to construct and maintain a 24-inch diameter outfall structure on the left bank of said stream, to construct and maintain four pedestrian walking bridges (Bridge No. 1 having a span of 41.0 feet with an underclearance of 2.0 feet, Bridge No. 2 having a span of 35.0 feet with an underclearance of 4.0 feet, Bridge No. 3 having a span of 43.0 feet with an underclearance of 2.0 feet and Bridge No. 4 having a span of 38.0 feet with an underclearance of 3.0 feet) across said stream and to construct and maintain four temporary ford stream crossings in the channel of said stream for the purpose of constructing Olson Park. The project is located on the north side of Flaugherty Run Road, approximately 1,000.0 feet northwest from the intersection of Flaugherty Run and Becks Run Roads.

E04-240-A2. Beaver Falls Municipal Authority, 1425 Eighth Avenue, Beaver Falls, PA 15010. To construct and maintain a new pump station and intake structure in Eastvale Borough, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Beaver Falls, PA Quadrangle N: 2.8 inches; W: 9.2 inches, Latitude: 40° 45' 56"; Longitude: 80° 18' 59"). To amend Permit No. E02-240 to construct and maintain a new pump station, an intake structure and riprap streambank stabilization approximately 43.0 ft. into the channel and approximately 136.0 ft. along the left bank of the Beaver River (WWF) for the purpose of replacing the existing intake structure and to construct and maintain a pipeline under the bed and across the channel of the Beaver River for the purpose of replacing the existing pipeline in the same location. The project is located on the west side of First Street, approximately 200.00 feet west from the intersection of First and Third Streets.

E30-217. Allegheny Energy Supply Company, LLC, 800 Cabin Hill Drive, Greensburg, PA 15601. To place fill in wetlands in Monongahela Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Masontown, PA Quadrangle N: 18.14 inches; W: 10.02 inches, Latitude: 39° 50' 59.66"; Longitude: 79° 56' 47.01"). To place and maintain fill in approximately 0.55 acre of primarily palustrine emergent (PEM) wetland, which will be mitigated by the construction of 0.92 acre of primarily PEM replacement wetland. The impacts are associated with the construction and maintenance of Phase 3 of an existing CCB landfill, haul road and related stormwater conveyance channels, to provide a disposal area for coal combustion (CCB) wastes that are generated during the production of electricity, at the permittee's coal-fired Hatfield's Ferry Power Station within the Monongahela River (WWF) basin. The power station is located on the north side of SR 21, approximately 1.7 miles west of Masontown, with an entrance road from SR 21, just prior to this roadway crossing over the Monongahela River.

E65-920. Allegheny River Terminals, Inc., One Fifth Street, New Kensington, PA 15068-6643. To maintain dredging on an barge loading facility in the City of New

Kensington, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (New Kensington West, PA Quadrangle N: 10.8 inches; W: 2.55 inches, Latitude: 40° 33' 33"; Longitude: 79° 46' 3"). To operate and maintain an existing 25' by 25' excavator pad and an existing 18.5' by 7.5' cell barge puller and to perpetually perform maintenance dredging in an area approximately 220' long by 35' wide and to a depth of approximately 10' below the normal pool elevation, along the east bank of the Allegheny River (WWF), for the purpose of maintaining a barge loading facility. The project is located between 5th and 6th Streets in the City of New Kensington.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E37-179. Lawrence County, 430 Court Street, New Castle, PA 16101. T-593 Nashua Road Across Shenango River, in Pulaski Township, **Lawrence County**, United States Army Corps of Engineers, Pittsburgh District (Edinburg, PA Quadrangle N: 41° 04' 52"; W: 80° 23' 44").

To remove the existing structure and to construct and maintain a steel plate girder bridge having a clear normal span of 140 feet and an underclearance of 14.7 feet across the Shenango River on T-593, Nashua Road, approximately 2 miles west of SR 18.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D45-032A. Analomink Rod and Gun Club, Analomink Rod and Gun Club, c/o George Meyner, P. O. Box 100, Analomink, PA 18320. To operate and maintain the Analomink Lake Dam across a tributary to Broadhead Creek (HQ-CWF), impacting 0.00 acres of wetlands (PEM) with no proposed impacts to the stream channel, for the purpose obtaining a permit to operate and maintain this dam in accordance with State law (East Stroudsburg, PA Quadrangle N: 10.9 inches; W: 13.8 inches) in Stroud Township, **Monroe County**.

D40-227A. Croops Dam, Greg Dischinat, 180 Nazareth Drive, Nazareth, PA 18064. To rehabilitate, operate and maintain the Croops Dam across a tributary to Hunlock Creek (CWF), impacting 50 linear feet of stream channel, for the purpose of rehabilitating the deteriorated dam to restore the approximately 4-acre recreational lake. Work includes constructing a new spillway structure and rebuilding the earthfill embankment (Nanticoke, PA Quadrangle N: 16.0 inches; W: 12.9 inches) in Hunlock Township, **Luzerne County**.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal

form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals

do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>ESCP No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESCGP-1 5809801	Epsilon Energy USA, Inc. 3766 US 31 South Traverse City, MI 49684	Susquehanna	Auburn, Rush and Jessup Townships	Riley Creek CWF
ESCGP-1 5809801-02	Epsilon Energy USA, Inc. 3766 US 31 South Traverse City, MI 49684	Susquehanna	Auburn, Rush and Jessup Townships	Wyalusing Creek, Elk Lake Stream, UNT to Elk Lake Stream, Deuel and Snell Creeks CWF
ESCGP-1 5809804	EXCO—North Coast Energy, Inc. One GOJO Plaza Suite 325 Akron, OH 44311-1057	Susquehanna	Clifford Township	UNT to Idlewild Creel CWF
ESCGP-1 5809803	Appalachia Midstream Services, LLC 1 Grand Park 777 NW Grand Boulevard Oklahoma City, OK 73118	Susquehanna, Bradford	Auburn and Tuscarora Townships	Tuscarora Creel CWF

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>ESCP No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESCGP-1 0809815	Patrick Myers Appalachia Midstream Services, LLC 1 Grand Park 777 NW Grand Boulevard Oklahoma City, OK 73118	Bradford County	Asylum Township	Durrell Creek WWF Bennetts Creek WWF UNTs to Durrell Creek WWF
ESCGP-1 5909801	Doug Kepler Seneca Resources 300 Essjay Road Suite 150 Williamsville, NY 14221	Tioga County	Covington Township	UNT to Tioga River CWF
ESCGP-1 5909802	Doug Kepler Seneca Resources 300 Essjay Road Suite 150 Williamsville, NY 14221	Tioga County	Charleston Township	UNT to Tioga River CWF

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2009, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Bauder Basement Systems, Inc.	3 Yoder Lane Newmanstown, PA 17073	Mitigation
Matthew Beinhaur Harris Environmental, Inc.	600 Stone House Road Clarion, PA 16214	Mitigation
Chuck Berthoud	47 Brookside Avenue Hershey, PA 17033	Testing
Scott Bobowicz Historic Home Inspections, LP	2865 South Eagle Road #334 Newtown, PA 18940	Testing
Jason Boni	8470 Ridgemont Road Pittsburgh, PA 15237	Testing
George Curry	505 Philmar Court Unit B Springfield, PA 19064	Testing
Curt DeWolf	1261 Surrey Road West Chester, PA 19382	Testing
Kim Fella	P. O. Box 543 Fleetwood, PA 19522	Testing
Michael Fella	P. O. Box 543 Fleetwood, PA 19522	Testing
Timothy Gentry	474 Easton Road Horsham, PA 19044	Mitigation
Frank Klopp	230 South Brobst Street Shillington, PA 19607	Testing
Ray Knecht	2843 North Third Street Harrisburg, PA 17110	Testing
Marc Marino	2340 Old Forty Foot Road Harleysville, PA 19438	Testing
Marc Marino Radon-Rid, LLC	2340 Old Forty Foot Road Harleysville, PA 19438	Mitigation
Karl May, Jr.	82 Walnut Street Wellsboro, PA 16901	Mitigation
Troy Mickle	2122 Valley Road Schellsburg, PA 15559	Mitigation
Brian Mishler	212 West Grant Street Latrobe, PA 15650	Testing
Matthew Moyer	1421 Clarkview Road Suite 100 Baltimore, MD 21209	Testing
Ira Nerenberg	151 Indian Drive Greentown, PA 18426	Testing
Philip Parke, Sr.	3201 Addison Drive Wilmington, DE 19808	Testing
Robert Pecca	404 Richmond Road Bangor, PA 18013	Testing
Radon X	1115 Cornell Street Pittsburgh, PA 15212	Mitigation
Harvey Ricci SPY Inspection Services, Inc.	16 East Main Street Lansdale, PA 19446	Testing
Laird Ritter	717 Oak Hall Street Boalsburg, PA 16827	Testing
Ronald Rusnock	P. O. Box 2245 Hazleton, PA 18201	Testing
Howard Shanker	P. O. Box 63827 Philadelphia, PA 19147	Testing
Mike Sheely	1000 Wolfe Road Enola, PA 17025	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Dennis Swindell	227 Locust Street Alum Bank, PA 15221	Testing
Peter Weber Atlantic Radon Systems, Inc.	6 Boor Cove Lane West Grove, PA 19390	Mitigation

Planning Grant Awards under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (P. L. 556, Act 101) Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

JOHN HANGER,
Secretary

Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southeast				
Northeast	Wyoming	Wyoming County	Plan Revision	\$20,049
Southcentral	Bedford	Bedford County	Consultant Fees	\$ 6,455
	Lancaster	Lancaster County	Plan Evaluation	\$76,592
	Lancaster	Lancaster County	Waste Plan Update	\$80,000
	Perry	Perry County	Trash Collection Initiative	\$68,080
Northcentral				
Southwest				
Northwest	Elk	Elk County	Plan Revision	\$23,988

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

EGS02005. Allegheny Land Trust (409 Broad Street, Sewickley, PA 15143). A project to abate mine drainage pollution in Upper St. Clair Township, **Allegheny County**, affecting 10 acres. Receiving stream: Chartiers Creek. Project proposal received March 9, 2009.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Request for Comments and Notices of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Watershed of Stoney Run, Westmoreland County

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the watershed of Ross Run in Indiana County. The TMDL was established in accordance with the requirements of section 303(d) of the Clean Water Act. Streams within this watershed are listed in Pennsylvania's Integrated Water Quality Monitoring and Assessment Report as being impaired due to siltation resulting from agricultural activities.

nia's Integrated Water Quality Monitoring and Assessment Report as being impaired due to siltation resulting from agricultural activities.

Impairments were addressed by establishing a TMDL of sediment. There currently are no State or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the watershed of Ross Run. Sediment loadings were allocated among all land use categories (nonpoint sources) present in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model designed by the Pennsylvania State University.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL, contact: Joe Boylan at 400 Waterfront Drive, Pittsburgh, PA 15222, jboyylan@state.pa.us.

The Department will consider all comments when developing the final TMDL, which will be submitted to

the Environmental Protection Agency for approval. Written comments will be accepted at the previous address and must be received by July 12, 2009. A public meeting to discuss the technical merits of the TMDL will be held on Thursday, June 11, 2009, at 6 p.m. at the Marion Center Community Park Building, 22823 Route 403 Highway North, Marion Center, PA 15759.

[Pa.B. Doc. No. 09-883. Filed for public inspection May 15, 2009, 9:00 a.m.]

Abandoned Mine Lands Program Grant Notice

The United States Office of Surface Mining Reclamation and Enforcement has approved the Commonwealth's Federal Fiscal Year 2009 Abandoned Mine Lands (AML) Reclamation Grant in the amount of \$29,975,292. The AML Program was established by the Federal Surface Mining Control and Reclamation Act (30 U.S.C.A. §§ 1201–1328) and provides an annual distribution of funds to states and tribes with approved AML reclamation programs. Under the AML Program, the Commonwealth has received annual grants since 1980. The Department of Environmental Protection's (Department) grant application and award notification are available on the Department's web site: www.depweb.state.pa.us; click on DEP Programs (A-Z); Abandoned Mine(s)/Abandoned Mine Reclamation; AML Funding; and 2009 AML Program Application.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-884. Filed for public inspection May 15, 2009, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program; Nutrient Trading Program Activities and NPDES Permits

The Department of Environmental Protection (Department) provides notice of the following actions regarding the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken in relation to the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID No. 392-0900-001). See 36 Pa.B. 7999 (December 30, 2006). The Policy called for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

The actions described in this notice relate to: (1) submitted proposals; (2) approved proposals; and (3) registered credits, through May 4, 2009.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed. First, the credit or offset

proposal must be approved, second, it must be verified and third, it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called "offsets"). Certifications are based on at least: (1) a credit or offset proposal to be submitted describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. All of the proposals, certifications and registrations described in this notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. Verification means implementation of the verification plan contained in a certified credit or offset proposal as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used in an NPDES permit. Registration occurs only after credits or offsets have been certified and verified, and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide the credits with an annual registry number for reporting and tracking purposes.

The Department has received 67 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 44 have been approved, three are in review, one has been withdrawn and the remaining need additional clarification prior to certification.

Proposals under Review

The following proposal is being reviewed by the Department. Comments must be received on these projects by June 16, 2009.

Proposal Applicant

1. Bion Environmental Technologies, Inc.

Proposal Description

Nitrogen and Phosphorus credits to be generated by treating poultry manure at farms located in Lancaster. This treatment includes: Belt Dry Layer Housing to Combustion, High Rise Layer Housing to Combustion, Housing Switch from High Rise to Belt Dry, and Housing Switch from High Rise to Belt Dry, Followed by Combustion.

Certifications

There are no certifications to notice at this time.

Verifications and Registrations

To date, there are no verifications and registrations.

For further information about the previous information or the Department's Nutrient Trading Program, contact Ann Smith, Water Planning Office, P.O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-885. Filed for public inspection May 15, 2009, 9:00 a.m.]

The Pennsylvania Sunshine Program: Incentive Program Opening

The Department of Environmental Protection (Department) announces the opening of a new incentive program for homeowners and small businesses undertaking solar energy projects. The Pennsylvania Sunshine Program (program) will provide \$100 million in rebates, to Commonwealth homeowners and small businesses to purchase and install solar photovoltaic (PV) and solar hot water systems. The Department will begin accepting applications on May 18, 2009. Rebates will be awarded to eligible applicants on a first-come, first-served basis.

An eligible residential applicant must be a Pennsylvania resident and the owner of the home where the project will be installed. All residential projects must be completed on the homeowner's primary residence. Small business applicants must be a for-profit business located within this Commonwealth. To qualify for small business funding, the applicant must be a separate legal entity with no more than 100 full time employees.

The program rebates will be available for the purchase and installation of qualifying solar PV and solar hot water equipment by qualified installers. Only projects completed after the program opening date of May 18, 2009, will be eligible.

The program guidelines are available on the program's web site at www.dep.state.pa.us (DEP Keyword: PA Sunshine Solar Program). Applications must be submitted online at www.pasunshine.powerclerk.com. For questions regarding the eligibility of projects, contact Rebecca Campbell, Office of Energy and Technology Deployment at (717) 772-8911 or pasunshine@state.pa.us before submitting an application.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-886. Filed for public inspection May 15, 2009, 9:00 a.m.]

Request for Applications for Watershed Protection and Restoration Grants and Flood Protection Grants Through the Growing Greener Plus Program

As part of the 2009 Department of Environmental Protection's (Department) Growing Greener Plus Program, applications are now being accepted for watershed protection and restoration grants. Under 27 Pa.C.S. §§ 6101—6113 (relating to Environmental Stewardship and Watershed Protection Act), the Department is authorized to allocate these grants to a variety of eligible

applications including: counties, authorities and other municipalities; county conservation districts; watershed organizations recognized by Department who promote local watershed conservation efforts, council of governments and other authorized organizations involved in the restoration and protection of the environment in this Commonwealth.

For the upcoming grant round, the Department will invest in projects that will ultimately protect and/or restore this Commonwealth's watersheds from impairment due to nonpoint source pollution. Examples of special priority areas include: Watershed Renaissance—comprehensive watershed plan implementation in a small watershed; projects located in "priority" watersheds that reduce the source of impairment; and "priority" type activities that lead to water quality restoration or protection.

Examples of eligible projects could include reducing nonpoint source pollution in watersheds where streams are impaired; integrating stormwater management and flood protection into watershed management; encouraging the beneficial use of abandoned mine pool water; and water conservation strategies and projects that will help reduce Total Maximum Daily Load pollutants.

Through the same application process, applicants can also apply for funding through the Department's Flood Protection Grant Program and Section 319 Nonpoint Source Grant. Flood protection grants are for communities that operate and maintain State and Federal flood protection projects. Section 319 grants focus on funding similar projects to Growing Greener but with special emphasis within targeted watersheds.

The deadline for submitting applications to the Department's Growing Greener Grants Center (Center) is July 17, 2009. Applications must be postmarked no later than July 17, 2009. If hand delivered, the package must be received by the Center by 4 p.m. on July 17, 2009, at the address that follows. Late submissions will not be considered.

To request or download an application or obtain more information concerning the Growing Greener Programs, visit the Growing Greener web site at www.depweb.state.pa.us (DEP Keyword: Growing Greener). Persons can send e-mails to GrowingGreener@state.pa.us or contact the Center at (717) 705-5400. Written requests should be addressed to: Department of Environmental Protection, Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8776, Harrisburg, PA 17105-8776.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-887. Filed for public inspection May 15, 2009, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Proposed Plan for the Disposition of Commonwealth Property

The Department of General Services (Department), under The Administrative Code of 1929 (71 P.S. §§ 51—732), has published the proposed 2009 real property

disposition plan for review by the public and approval of the General Assembly. The proposed plan is available for review on the Department's web site at www.dgs.state.pa.us.

Individuals wanting to comment on the proposed plan should do so, in writing, to Bradley Swartz, Department of General Services, Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125, within 30 days from the date of this notice.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 09-888. Filed for public inspection May 15, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Governor's Advisory Council on Physical Fitness and Sports Committee; Public Meeting

The Governor's Advisory Council on Physical Fitness and Sports will hold a meeting on Thursday, June 11, 2009, from 9:30 a.m. to 3 p.m. The meeting will be held at the LECOM Wellness Center, 5401 Peach Street, Erie, PA 16509.

For additional information, or persons with a disability and who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Jessica Zilka, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-889. Filed for public inspection May 15, 2009, 9:00 a.m.]

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, June 17, 2009, at 10 a.m., in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Linda Pavlesich, Bureau of Health Planning at (717) 772-5298, lpavlesich@state.pa.us or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-890. Filed for public inspection May 15, 2009, 9:00 a.m.]

Intent to Request Release of Funds

On or about May 18, 2009, the Department of Health (Department) will submit a request to the United States Department of Housing and Urban Development (HUD) for the release of Healthy Homes Demonstration Grant Program funds, with funding authorized by the American Recovery and Reinvestment Act of 2009 (ARRA), Pub. L. No. 111-5, for the following multiyear program/project: Healthy Homes Foster Care Demonstration Program, for the purpose of assistance income eligible foster family homes with children under age 6 with an assessment and remediation of environmental health hazards, with a priority on units with child having asthma or lead poisoning. The Department is requesting the release of \$875,000 in Federal Assistance and \$106,062 in matching contributions for the period of performance of April 15, 2009, through April 14, 2012.

The proposed hazard control activities to be funded under this/these programs is categorically excluded from the National Environmental Policy Act requirements, but subject to compliance with some of the environmental laws and authorities listed at 24 CFR Part 58.15. In accordance with 24 CFR 58.15, a tiered review process has been structured, whereby some environmental laws and authorities have been reviewed and studied for the intended target areas listed previously. Other applicable environmental laws and authorities will be complied with, when individual projects are ripe for review. Specifically, the target areas have been studied and compliance with the following laws and authorities have been established in this Tier 1 review: Floodplain Management, Coastal Barriers Resource Act and Coastal Zone Management Act. In the Tiered 2 review, compliance with the following environmental laws and authorities will take place for proposed projects funded under the programs listed previously: Historic Preservation, National Flood Insurance Program requirements, Explosive and Flammable Operations, toxics/hazardous materials. Should individual aggregate projects exceed the threshold for categorical exclusion detailed at 24 CFR 58.35(a), an Environmental Assessment will be completed and a separate Finding of No Significant Impact and Request for Release of Funds published. Copies of the compliance documentation worksheets are available at the address follows.

An Environmental Review Record (ERR) that documents the environmental determinations for this project, and more fully describes the tiered review process cited previously, is on file at Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor, East Wing, 625 Forster Street, Harrisburg, PA 17120 and may be examined or copied weekdays 8:30 a.m. to 4:30 p.m.

Public Comments

Any individual, group or agency may submit written comments on the ERR to the Department. All comments received by May 26, 2009, will be considered by the Department prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.

Release of Funds

The Department certifies to HUD that Terri A. Matio in her official capacity as Director, Bureau of Administrative and Financial Services, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the Department to utilize Federal funds and implement the Program.

Objections to Release of Funds

HUD will consider objections to its release of funds and the Department certification for a period of 15 days following either the anticipated submission date (cited previously) or HUD's actual receipt of the request (whichever is later) only if the objections are on one of the following bases: (a) that the Certification was not executed by the Certifying Officer of the Department; (b) the Department has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the Department has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; (d) another Federal agency acting under 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58), and may be addressed to HUD as follows: Edward Thomas, Office of Healthy Homes and Lead Hazard Control Program Environmental Clearance Officer, United States Department of Housing and Urban Development, The Wanamaker Building, 12th Floor, 100 Penn Square East, Philadelphia, PA 19107-3380. Potential objectors may contact HUD to verify the actual last day of the objection period.

*** OHHLHC PROGRAMS REQUIRING A RROF (as applicable)**

- *Lead-Based Paint Hazard Control Grant Program*, authorized by section 1011 of the Housing and Community Development Act of 1992, Pub. L. No. 102-550, and funded through the Consolidated Appropriations Act of 2008, Pub. L. No. 110-161.

- *Lead Hazard Reduction Demonstration Grant Program*, authorized by section 1011 of the Housing and Community Development Act of 1992, Pub. L. No. 102-550, and funded through the Consolidated Appropriations Act of 2008, Pub. L. No. 110-161

- *Healthy Homes Demonstration Grant Program*, with funding authorized by the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5.

- *Operation Lead Elimination Action Program*, with funding authorized by the Consolidated Appropriations Act of 2008, Pub. L. No. 110-161.

Persons with a disability who require an alternate format of this document (for example, large print, audiotope, Braille), or who wish to comment in an alternate format and seek assistance to do so should contact Joseph M. McLaughlin, Public Health Program Manager, Bureau of Family Health, Division of Child and

Adult Health Services, Health and Welfare Building, 7th Floor, East Wing, 625 Forster Street, Harrisburg, PA 17120 at the address previously listed or (717) 772-2762 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-891. Filed for public inspection May 15, 2009, 9:00 a.m.]

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, June 24, 2009, from 9 a.m. to 2 p.m. The meeting will be held at the C. Ted Lick Wildwood Conference Center, HACC Central Pennsylvania's Community College, One HACC Drive, Harrisburg, PA 17110.

For additional information contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA at (717) 787-5251.

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to do so should contact Kathleen A. Zitka at (717) 787-5251 for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-892. Filed for public inspection May 15, 2009, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, May 19, 2009, 10 a.m. in the Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans With Disability Act contact is Gina Meckley at (717) 783-9276.

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 09-893. Filed for public inspection May 15, 2009, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Income Limits and Copayments for the Subsidized Child Care Program

The purpose of this notice is to increase the income limits codified in 55 Pa. Code Chapter 3041, Appendix B (relating to copayment chart family copayment scale (based on the 2009 Federal Poverty Income Guidelines (FPIGS)) under 55 Pa. Code § 3041.107(b) (relating to availability and use of the Federal Poverty Income Guidelines). This increase is effective May 4, 2009.

Section 3041.107(b) of 55 Pa. Code requires the Department of Public Welfare to update the copayment schedule in 55 Pa. Code Chapter 3041, Appendix B to reflect changes in the FPIG. Effective May 4, 2009, the income guidelines for the subsidized child care program are increased due to increases in the FPIG. The copayment schedule is adjusted to reflect the increases. Chapter 3041, Appendix B of 55 Pa. Code also establishes the family copayment levels according to the family's computed annual income and lists the weekly family copayment based on the annual family income.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-597. No fiscal impact; (8) recommends adoption.

CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE

(BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Co-pay	Family Size:	1	Family Size:	2	Family Size:	3
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$8,830	Less than:	\$12,570	Less than:	\$14,310
\$10.00	\$8,830.01	\$10,830	\$12,570.01	\$14,570	\$14,310.01	\$16,310
\$15.00	\$10,830.01	\$12,830	\$14,570.01	\$16,570	\$16,310.01	\$18,310
\$20.00	\$12,830.01	\$14,830	\$16,570.01	\$18,570	\$18,310.01	\$20,310
\$25.00	\$14,830.01	\$16,830	\$18,570.01	\$20,570	\$20,310.01	\$22,310
\$30.00	\$16,830.01	\$18,830	\$20,570.01	\$22,570	\$22,310.01	\$24,310
\$35.00	\$18,830.01	\$20,830	\$22,570.01	\$24,570	\$24,310.01	\$26,310
\$40.00	\$20,830.01	\$22,830	\$24,570.01	\$26,570	\$26,310.01	\$28,310
\$45.00	\$22,830.01	\$24,830	\$26,570.01	\$28,570	\$28,310.01	\$30,310
\$50.00	\$24,830.01	\$25,451	\$28,570.01	\$30,570	\$30,310.01	\$32,310
\$55.00			\$30,570.01	\$32,570	\$32,310.01	\$34,310
\$60.00			\$32,570.01	\$34,240	\$34,310.01	\$36,310
\$65.00					\$36,310.01	\$38,310
\$70.00					\$38,310.01	\$40,310
\$75.00					\$40,310.01	\$42,310
\$80.00					\$42,310.01	\$43,029
	200% FPIG	\$21,660	200% FPIG	\$29,140	200% FPIG	\$36,620

**CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE**

(BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Co-pay	Family Size:	4	Family Size:	5	Family Size:	6
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$16,050	Less than:	\$17,790	Less than:	\$19,530
\$10.00	\$16,050.01	\$18,050	\$17,790.01	\$19,790	\$19,530.01	\$21,530
\$15.00	\$18,050.01	\$20,050	\$19,790.01	\$21,790	\$21,530.01	\$23,530
\$20.00	\$20,050.01	\$22,050	\$21,790.01	\$23,790	\$23,530.01	\$25,530
\$25.00	\$22,050.01	\$24,050	\$23,790.01	\$25,790	\$25,530.01	\$27,530
\$30.00	\$24,050.01	\$26,050	\$25,790.01	\$27,790	\$27,530.01	\$29,530
\$35.00	\$26,050.01	\$28,050	\$27,790.01	\$29,790	\$29,530.01	\$31,530
\$40.00	\$28,050.01	\$30,050	\$29,790.01	\$31,790	\$31,530.01	\$33,530
\$45.00	\$30,050.01	\$32,050	\$31,790.01	\$33,790	\$33,530.01	\$35,530
\$50.00	\$32,050.01	\$34,050	\$33,790.01	\$35,790	\$35,530.01	\$37,530
\$55.00	\$34,050.01	\$36,050	\$35,790.01	\$37,790	\$37,530.01	\$39,530
\$60.00	\$36,050.01	\$38,050	\$37,790.01	\$39,790	\$39,530.01	\$41,530
\$65.00	\$38,050.01	\$40,050	\$39,790.01	\$41,790	\$41,530.01	\$43,530
\$70.00	\$40,050.01	\$42,050	\$41,790.01	\$43,790	\$43,530.01	\$45,530
\$75.00	\$42,050.01	\$44,050	\$43,790.01	\$45,790	\$45,530.01	\$47,530
\$80.00	\$44,050.01	\$46,050	\$45,790.01	\$47,790	\$47,530.01	\$49,530
\$85.00	\$46,050.01	\$48,050	\$47,790.01	\$49,790	\$49,530.01	\$51,530
\$90.00	\$48,050.01	\$50,050	\$49,790.01	\$51,790	\$51,530.01	\$53,530
\$95.00	\$50,050.01	\$51,818	\$51,790.01	\$53,790	\$53,530.01	\$55,530
\$100.00			\$53,790.01	\$55,790	\$55,530.01	\$57,530
\$105.00			\$55,790.01	\$57,790	\$57,530.01	\$59,530
\$110.00			\$57,790.01	\$59,790	\$59,530.01	\$61,530
\$115.00			\$59,790.01	\$60,607	\$61,530.01	\$63,530
\$120.00					\$63,530.01	\$65,530
\$125.00					\$65,530.01	\$67,530
\$130.00					\$67,530.01	\$69,396
	200% FPIG	\$44,100	200% FPIG	\$51,580	200% FPIG	\$59,060

CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE
(BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Co-pay	Family Size:	7	Family Size:	8	Family Size:	9
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$21,270	Less than:	\$23,010	Less than:	\$24,750
\$10.00	\$21,270.01	\$23,270	\$23,010.01	\$25,010	\$24,750.01	\$26,750
\$15.00	\$23,270.01	\$25,270	\$25,010.01	\$27,010	\$26,750.01	\$28,750
\$20.00	\$25,270.01	\$27,270	\$27,010.01	\$29,010	\$28,750.01	\$30,750
\$25.00	\$27,270.01	\$29,270	\$29,010.01	\$31,010	\$30,750.01	\$32,750
\$30.00	\$29,270.01	\$31,270	\$31,010.01	\$33,010	\$32,750.01	\$34,750
\$35.00	\$31,270.01	\$33,270	\$33,010.01	\$35,010	\$34,750.01	\$36,750
\$40.00	\$33,270.01	\$35,270	\$35,010.01	\$37,010	\$36,750.01	\$38,750
\$45.00	\$35,270.01	\$37,270	\$37,010.01	\$39,010	\$38,750.01	\$40,750
\$50.00	\$37,270.01	\$39,270	\$39,010.01	\$41,010	\$40,750.01	\$42,750
\$55.00	\$39,270.01	\$41,270	\$41,010.01	\$43,010	\$42,750.01	\$44,750
\$60.00	\$41,270.01	\$43,270	\$43,010.01	\$45,010	\$44,750.01	\$46,750
\$65.00	\$43,270.01	\$45,270	\$45,010.01	\$47,010	\$46,750.01	\$48,750
\$70.00	\$45,270.01	\$47,270	\$47,010.01	\$49,010	\$48,750.01	\$50,750
\$75.00	\$47,270.01	\$49,270	\$49,010.01	\$51,010	\$50,750.01	\$52,750
\$80.00	\$49,270.01	\$51,270	\$51,010.01	\$53,010	\$52,750.01	\$54,750
\$85.00	\$51,270.01	\$53,270	\$53,010.01	\$55,010	\$54,750.01	\$56,750
\$90.00	\$53,270.01	\$55,270	\$55,010.01	\$57,010	\$56,750.01	\$58,750
\$95.00	\$55,270.01	\$57,270	\$57,010.01	\$59,010	\$58,750.01	\$60,750
\$100.00	\$57,270.01	\$59,270	\$59,010.01	\$61,010	\$60,750.01	\$62,750
\$105.00	\$59,270.01	\$61,270	\$61,010.01	\$63,010	\$62,750.01	\$64,750
\$110.00	\$61,270.01	\$63,270	\$63,010.01	\$65,010	\$64,750.01	\$66,750
\$115.00	\$63,270.01	\$65,270	\$65,010.01	\$67,010	\$66,750.01	\$68,750
\$120.00	\$65,270.01	\$67,270	\$67,010.01	\$69,010	\$68,750.01	\$70,750
\$125.00	\$67,270.01	\$69,270	\$69,010.01	\$71,010	\$70,750.01	\$72,750
\$130.00	\$69,270.01	\$71,270	\$71,010.01	\$73,010	\$72,750.01	\$74,750
\$135.00	\$71,270.01	\$73,270	\$73,010.01	\$75,010	\$74,750.01	\$76,750
\$140.00	\$73,270.01	\$75,270	\$75,010.01	\$77,010	\$76,750.01	\$78,750
\$145.00	\$75,270.01	\$77,270	\$77,010.01	\$79,010	\$78,750.01	\$80,750
\$150.00	\$77,270.01	\$78,185	\$79,010.01	\$81,010	\$80,750.01	\$82,750
\$155.00			\$81,010.01	\$83,010	\$82,750.01	\$84,750
\$160.00			\$83,010.01	\$85,010	\$84,750.01	\$86,750
\$165.00			\$85,010.01	\$86,974	\$86,750.01	\$88,750
\$170.00					\$88,750.01	\$90,750
\$175.00					\$90,750.01	\$92,750
\$180.00					\$92,750.01	\$94,750
\$185.00					\$94,750.01	\$95,763
	200% FPIG	\$66,540	200% FPIG	\$74,020	200% FPIG	\$81,500

CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE
 (BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Co-pay	Family Size:	10	Family Size:	11	Family Size:	12
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$26,490	Less than:	\$28,230	Less than:	\$29,970
\$10.00	\$26,490.01	\$28,490	\$28,230.01	\$30,230	\$29,970.01	\$31,970
\$15.00	\$28,490.01	\$30,490	\$30,230.01	\$32,230	\$31,970.01	\$33,970
\$20.00	\$30,490.01	\$32,490	\$32,230.01	\$34,230	\$33,970.01	\$35,970
\$25.00	\$32,490.01	\$34,490	\$34,230.01	\$36,230	\$35,970.01	\$37,970
\$30.00	\$34,490.01	\$36,490	\$36,230.01	\$38,230	\$37,970.01	\$39,970
\$35.00	\$36,490.01	\$38,490	\$38,230.01	\$40,230	\$39,970.01	\$41,970
\$40.00	\$38,490.01	\$40,490	\$40,230.01	\$42,230	\$41,970.01	\$43,970
\$45.00	\$40,490.01	\$42,490	\$42,230.01	\$44,230	\$43,970.01	\$45,970
\$50.00	\$42,490.01	\$44,490	\$44,230.01	\$46,230	\$45,970.01	\$47,970
\$55.00	\$44,490.01	\$46,490	\$46,230.01	\$48,230	\$47,970.01	\$49,970
\$60.00	\$46,490.01	\$48,490	\$48,230.01	\$50,230	\$49,970.01	\$51,970
\$65.00	\$48,490.01	\$50,490	\$50,230.01	\$52,230	\$51,970.01	\$53,970
\$70.00	\$50,490.01	\$52,490	\$52,230.01	\$54,230	\$53,970.01	\$55,970
\$75.00	\$52,490.01	\$54,490	\$54,230.01	\$56,230	\$55,970.01	\$57,970
\$80.00	\$54,490.01	\$56,490	\$56,230.01	\$58,230	\$57,970.01	\$59,970
\$85.00	\$56,490.01	\$58,490	\$58,230.01	\$60,230	\$59,970.01	\$61,970
\$90.00	\$58,490.01	\$60,490	\$60,230.01	\$62,230	\$61,970.01	\$63,970
\$95.00	\$60,490.01	\$62,490	\$62,230.01	\$64,230	\$63,970.01	\$65,970
\$100.00	\$62,490.01	\$64,490	\$64,230.01	\$66,230	\$65,970.01	\$67,970
\$105.00	\$64,490.01	\$66,490	\$66,230.01	\$68,230	\$67,970.01	\$69,970
\$110.00	\$66,490.01	\$68,490	\$68,230.01	\$70,230	\$69,970.01	\$71,970
\$115.00	\$68,490.01	\$70,490	\$70,230.01	\$72,230	\$71,970.01	\$73,970
\$120.00	\$70,490.01	\$72,490	\$72,230.01	\$74,230	\$73,970.01	\$75,970
\$125.00	\$72,490.01	\$74,490	\$74,230.01	\$76,230	\$75,970.01	\$77,970
\$130.00	\$74,490.01	\$76,490	\$76,230.01	\$78,230	\$77,970.01	\$79,970
\$135.00	\$76,490.01	\$78,490	\$78,230.01	\$80,230	\$79,970.01	\$81,970
\$140.00	\$78,490.01	\$80,490	\$80,230.01	\$82,230	\$81,970.01	\$83,970
\$145.00	\$80,490.01	\$82,490	\$82,230.01	\$84,230	\$83,970.01	\$85,970
\$150.00	\$82,490.01	\$84,490	\$84,230.01	\$86,230	\$85,970.01	\$87,970
\$155.00	\$84,490.01	\$86,490	\$86,230.01	\$88,230	\$87,970.01	\$89,970
\$160.00	\$86,490.01	\$88,490	\$88,230.01	\$90,230	\$89,970.01	\$91,970
\$165.00	\$88,490.01	\$90,490	\$90,230.01	\$92,230	\$91,970.01	\$93,970
\$170.00	\$90,490.01	\$92,490	\$92,230.01	\$94,230	\$93,970.01	\$95,970
\$175.00	\$92,490.01	\$94,490	\$94,230.01	\$96,230	\$95,970.01	\$97,970
\$180.00	\$94,490.01	\$96,490	\$96,230.01	\$98,230	\$97,970.01	\$99,970
\$185.00	\$96,490.01	\$98,490	\$98,230.01	\$100,230	\$99,970.01	\$101,970
\$190.00	\$98,490.01	\$100,490	\$100,230.01	\$102,230	\$101,970.01	\$103,970

CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE
 (BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

CONTINUED			CONTINUED		CONTINUED	
Weekly Co-pay	Family Size:	10	Family Size:	11	Family Size:	12
	Annual Income		Annual Income		Annual Income	
\$195.00	\$100,490.01	\$102,490	\$102,230.01	\$104,230	\$103,970.01	\$105,970
\$200.00	\$102,490.01	\$104,490	\$104,230.01	\$106,230	\$105,970.01	\$107,970
\$205.00	\$104,490.01	\$104,552	\$106,230.01	\$108,230	\$107,970.01	\$109,970
\$210.00			\$108,230.01	\$110,230	\$109,970.01	\$111,970
\$215.00			\$110,230.01	\$112,230	\$111,970.01	\$113,970
\$220.00			\$112,230.01	\$113,341	\$113,970.01	\$115,970
\$225.00					\$115,970.01	\$117,970
\$230.00					\$117,970.01	\$119,970
\$235.00					\$119,970.01	\$121,970
\$240.00					\$121,970.01	\$122,130
	200% FPIG	\$88,980	200% FPIG	\$96,460	200% FPIG	\$103,940

CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE
 (BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Co-pay	Family Size:	13	Family Size:	14	Family Size:	15
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$31,710	Less than:	\$33,450	Less than:	\$35,190
\$10.00	\$31,710.01	\$33,710	\$33,450.01	\$35,450	\$35,190.01	\$37,190
\$15.00	\$33,710.01	\$35,710	\$35,450.01	\$37,450	\$37,190.01	\$39,190
\$20.00	\$35,710.01	\$37,710	\$37,450.01	\$39,450	\$39,190.01	\$41,190
\$25.00	\$37,710.01	\$39,710	\$39,450.01	\$41,450	\$41,190.01	\$43,190
\$30.00	\$39,710.01	\$41,710	\$41,450.01	\$43,450	\$43,190.01	\$45,190
\$35.00	\$41,710.01	\$43,710	\$43,450.01	\$45,450	\$45,190.01	\$47,190
\$40.00	\$43,710.01	\$45,710	\$45,450.01	\$47,450	\$47,190.01	\$49,190
\$45.00	\$45,710.01	\$47,710	\$47,450.01	\$49,450	\$49,190.01	\$51,190
\$50.00	\$47,710.01	\$49,710	\$49,450.01	\$51,450	\$51,190.01	\$53,190
\$55.00	\$49,710.01	\$51,710	\$51,450.01	\$53,450	\$53,190.01	\$55,190
\$60.00	\$51,710.01	\$53,710	\$53,450.01	\$55,450	\$55,190.01	\$57,190
\$65.00	\$53,710.01	\$55,710	\$55,450.01	\$57,450	\$57,190.01	\$59,190
\$70.00	\$55,710.01	\$57,710	\$57,450.01	\$59,450	\$59,190.01	\$61,190
\$75.00	\$57,710.01	\$59,710	\$59,450.01	\$61,450	\$61,190.01	\$63,190
\$80.00	\$59,710.01	\$61,710	\$61,450.01	\$63,450	\$63,190.01	\$65,190
\$85.00	\$61,710.01	\$63,710	\$63,450.01	\$65,450	\$65,190.01	\$67,190
\$90.00	\$63,710.01	\$65,710	\$65,450.01	\$67,450	\$67,190.01	\$69,190
\$95.00	\$65,710.01	\$67,710	\$67,450.01	\$69,450	\$69,190.01	\$71,190
\$100.00	\$67,710.01	\$69,710	\$69,450.01	\$71,450	\$71,190.01	\$73,190
\$105.00	\$69,710.01	\$71,710	\$71,450.01	\$73,450	\$73,190.01	\$75,190
\$110.00	\$71,710.01	\$73,710	\$73,450.01	\$75,450	\$75,190.01	\$77,190
\$115.00	\$73,710.01	\$75,710	\$75,450.01	\$77,450	\$77,190.01	\$79,190
\$120.00	\$75,710.01	\$77,710	\$77,450.01	\$79,450	\$79,190.01	\$81,190
\$125.00	\$77,710.01	\$79,710	\$79,450.01	\$81,450	\$81,190.01	\$83,190
\$130.00	\$79,710.01	\$81,710	\$81,450.01	\$83,450	\$83,190.01	\$85,190
\$135.00	\$81,710.01	\$83,710	\$83,450.01	\$85,450	\$85,190.01	\$87,190
\$140.00	\$83,710.01	\$85,710	\$85,450.01	\$87,450	\$87,190.01	\$89,190
\$145.00	\$85,710.01	\$87,710	\$87,450.01	\$89,450	\$89,190.01	\$91,190
\$150.00	\$87,710.01	\$89,710	\$89,450.01	\$91,450	\$91,190.01	\$93,190
\$155.00	\$89,710.01	\$91,710	\$91,450.01	\$93,450	\$93,190.01	\$95,190
\$160.00	\$91,710.01	\$93,710	\$93,450.01	\$95,450	\$95,190.01	\$97,190
\$165.00	\$93,710.01	\$95,710	\$95,450.01	\$97,450	\$97,190.01	\$99,190
\$170.00	\$95,710.01	\$97,710	\$97,450.01	\$99,450	\$99,190.01	\$101,190
\$175.00	\$97,710.01	\$99,710	\$99,450.01	\$101,450	\$101,190.01	\$103,190
\$180.00	\$99,710.01	\$101,710	\$101,450.01	\$103,450	\$103,190.01	\$105,190
\$185.00	\$101,710.01	\$103,710	\$103,450.01	\$105,450	\$105,190.01	\$107,190
\$190.00	\$103,710.01	\$105,710	\$105,450.01	\$107,450	\$107,190.01	\$109,190
\$195.00	\$105,710.01	\$107,710	\$107,450.01	\$109,450	\$109,190.01	\$111,190
\$200.00	\$107,710.01	\$109,710	\$109,450.01	\$111,450	\$111,190.01	\$113,190

CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE

(BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

CONTINUED			CONTINUED		CONTINUED	
Weekly Co-pay	Family Size:	13	Family Size:	14	Family Size:	15
	Annual Income		Annual Income		Annual Income	
\$205.00	\$109,710.01	\$111,710	\$111,450.01	\$113,450	\$113,190.01	\$115,190
\$210.00	\$111,710.01	\$113,710	\$113,450.01	\$115,450	\$115,190.01	\$117,190
\$215.00	\$113,710.01	\$115,710	\$115,450.01	\$117,450	\$117,190.01	\$119,190
\$220.00	\$115,710.01	\$117,710	\$117,450.01	\$119,450	\$119,190.01	\$121,190
\$225.00	\$117,710.01	\$119,710	\$119,450.01	\$121,450	\$121,190.01	\$123,190
\$230.00	\$119,710.01	\$121,710	\$121,450.01	\$123,450	\$123,190.01	\$125,190
\$235.00	\$121,710.01	\$123,710	\$123,450.01	\$125,450	\$125,190.01	\$127,190
\$240.00	\$123,710.01	\$125,710	\$125,450.01	\$127,450	\$127,190.01	\$129,190
\$245.00	\$125,710.01	\$127,710	\$127,450.01	\$129,450	\$129,190.01	\$131,190
\$250.00	\$127,710.01	\$129,710	\$129,450.01	\$131,450	\$131,190.01	\$133,190
\$255.00	\$129,710.01	\$130,919	\$131,450.01	\$133,450	\$133,190.01	\$135,190
\$260.00			\$133,450.01	\$135,450	\$135,190.01	\$137,190
\$265.00			\$135,450.01	\$137,450	\$137,190.01	\$139,190
\$270.00			\$137,450.01	\$139,450	\$139,190.01	\$141,190
\$275.00			\$139,450.01	\$139,708	\$141,190.01	\$143,190
\$280.00					\$143,190.01	\$145,190
\$285.00					\$145,190.01	\$147,190
\$290.00					\$147,190.01	\$148,497
	200% FPIG	\$111,420	200% FPIG	\$118,900	200% FPIG	\$126,380

CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE
 (BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Co-pay	Family Size:	16	Family Size:	17	Family Size:	18
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$38,930	Less than:	\$40,670	Less than:	\$42,410
\$10.00	\$38,930.01	\$40,930	\$40,670.01	\$42,670	\$42,410.01	\$44,410
\$15.00	\$40,930.01	\$42,930	\$42,670.01	\$44,670	\$44,410.01	\$46,410
\$20.00	\$42,930.01	\$44,930	\$44,670.01	\$46,670	\$46,410.01	\$48,410
\$25.00	\$44,930.01	\$46,930	\$46,670.01	\$48,670	\$48,410.01	\$50,410
\$30.00	\$46,930.01	\$48,930	\$48,670.01	\$50,670	\$50,410.01	\$52,410
\$35.00	\$48,930.01	\$50,930	\$50,670.01	\$52,670	\$52,410.01	\$54,410
\$40.00	\$50,930.01	\$52,930	\$52,670.01	\$54,670	\$54,410.01	\$56,410
\$45.00	\$52,930.01	\$54,930	\$54,670.01	\$56,670	\$56,410.01	\$58,410
\$50.00	\$54,930.01	\$56,930	\$56,670.01	\$58,670	\$58,410.01	\$60,410
\$55.00	\$56,930.01	\$58,930	\$58,670.01	\$60,670	\$60,410.01	\$62,410
\$60.00	\$58,930.01	\$60,930	\$60,670.01	\$62,670	\$62,410.01	\$64,410
\$65.00	\$60,930.01	\$62,930	\$62,670.01	\$64,670	\$64,410.01	\$66,410
\$70.00	\$62,930.01	\$64,930	\$64,670.01	\$66,670	\$66,410.01	\$68,410
\$75.00	\$64,930.01	\$66,930	\$66,670.01	\$68,670	\$68,410.01	\$70,410
\$80.00	\$66,930.01	\$68,930	\$68,670.01	\$70,670	\$70,410.01	\$72,410
\$85.00	\$68,930.01	\$70,930	\$70,670.01	\$72,670	\$72,410.01	\$74,410
\$90.00	\$70,930.01	\$72,930	\$72,670.01	\$74,670	\$74,410.01	\$76,410
\$95.00	\$72,930.01	\$74,930	\$74,670.01	\$76,670	\$76,410.01	\$78,410
\$100.00	\$74,930.01	\$76,930	\$76,670.01	\$78,670	\$78,410.01	\$80,410
\$105.00	\$76,930.01	\$78,930	\$78,670.01	\$80,670	\$80,410.01	\$82,410
\$110.00	\$78,930.01	\$80,930	\$80,670.01	\$82,670	\$82,410.01	\$84,410
\$115.00	\$80,930.01	\$82,930	\$82,670.01	\$84,670	\$84,410.01	\$86,410
\$120.00	\$82,930.01	\$84,930	\$84,670.01	\$86,670	\$86,410.01	\$88,410
\$125.00	\$84,930.01	\$86,930	\$86,670.01	\$88,670	\$88,410.01	\$90,410
\$130.00	\$86,930.01	\$88,930	\$88,670.01	\$90,670	\$90,410.01	\$92,410
\$135.00	\$88,930.01	\$90,930	\$90,670.01	\$92,670	\$92,410.01	\$94,410
\$140.00	\$90,930.01	\$92,930	\$92,670.01	\$94,670	\$94,410.01	\$96,410
\$145.00	\$92,930.01	\$94,930	\$94,670.01	\$96,670	\$96,410.01	\$98,410
\$150.00	\$94,930.01	\$96,930	\$96,670.01	\$98,670	\$98,410.01	\$100,410
\$155.00	\$96,930.01	\$98,930	\$98,670.01	\$100,670	\$100,410.01	\$102,410
\$160.00	\$98,930.01	\$100,930	\$100,670.01	\$102,670	\$102,410.01	\$104,410
\$165.00	\$100,930.01	\$102,930	\$102,670.01	\$104,670	\$104,410.01	\$106,410
\$170.00	\$102,930.01	\$104,930	\$104,670.01	\$106,670	\$106,410.01	\$108,410
\$175.00	\$104,930.01	\$106,930	\$106,670.01	\$108,670	\$108,410.01	\$110,410
\$180.00	\$106,930.01	\$108,930	\$108,670.01	\$110,670	\$110,410.01	\$112,410
\$185.00	\$108,930.01	\$110,930	\$110,670.01	\$112,670	\$112,410.01	\$114,410
\$190.00	\$110,930.01	\$112,930	\$112,670.01	\$114,670	\$114,410.01	\$116,410
\$195.00	\$112,930.01	\$114,930	\$114,670.01	\$116,670	\$116,410.01	\$118,410

**CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE**

(BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

CONTINUED			CONTINUED		CONTINUED	
Weekly Co-pay	Family Size:	16	Family Size:	17	Family Size:	18
	Annual Income		Annual Income		Annual Income	
\$200.00	\$114,930.01	\$116,930	\$116,670.01	\$118,670	\$118,410.01	\$120,410
\$205.00	\$116,930.01	\$118,930	\$118,670.01	\$120,670	\$120,410.01	\$122,410
\$210.00	\$118,930.01	\$120,930	\$120,670.01	\$122,670	\$122,410.01	\$124,410
\$215.00	\$120,930.01	\$122,930	\$122,670.01	\$124,670	\$124,410.01	\$126,410
\$220.00	\$122,930.01	\$124,930	\$124,670.01	\$126,670	\$126,410.01	\$128,410
\$225.00	\$124,930.01	\$126,930	\$126,670.01	\$128,670	\$128,410.01	\$130,410
\$230.00	\$126,930.01	\$128,930	\$128,670.01	\$130,670	\$130,410.01	\$132,410
\$235.00	\$128,930.01	\$130,930	\$130,670.01	\$132,670	\$132,410.01	\$134,410
\$240.00	\$130,930.01	\$132,930	\$132,670.01	\$134,670	\$134,410.01	\$136,410
\$245.00	\$132,930.01	\$134,930	\$134,670.01	\$136,670	\$136,410.01	\$138,410
\$250.00	\$134,930.01	\$136,930	\$136,670.01	\$138,670	\$138,410.01	\$140,410
\$255.00	\$136,930.01	\$138,930	\$138,670.01	\$140,670	\$140,410.01	\$142,410
\$260.00	\$138,930.01	\$140,930	\$140,670.01	\$142,670	\$142,410.01	\$144,410
\$265.00	\$140,930.01	\$142,930	\$142,670.01	\$144,670	\$144,410.01	\$146,410
\$270.00	\$142,930.01	\$144,930	\$144,670.01	\$146,670	\$146,410.01	\$148,410
\$275.00	\$144,930.01	\$146,930	\$146,670.01	\$148,670	\$148,410.01	\$150,410
\$280.00	\$146,930.01	\$148,930	\$148,670.01	\$150,670	\$150,410.01	\$152,410
\$285.00	\$148,930.01	\$150,930	\$150,670.01	\$152,670	\$152,410.01	\$154,410
\$290.00	\$150,930.01	\$152,930	\$152,670.01	\$154,670	\$154,410.01	\$156,410
\$295.00	\$152,930.01	\$154,930	\$154,670.01	\$156,670	\$156,410.01	\$158,410
\$300.00	\$154,930.01	\$156,930	\$156,670.01	\$158,670	\$158,410.01	\$160,410
\$305.00	\$156,930.01	\$157,286	\$158,670.01	\$160,670	\$160,410.01	\$162,410
\$310.00			\$160,670.01	\$162,670	\$162,410.01	\$164,410
\$315.00			\$162,670.01	\$164,670	\$164,410.01	\$166,410
\$320.00			\$164,670.01	\$166,075	\$166,410.01	\$168,410
\$325.00					\$168,410.01	\$170,410
\$330.00					\$170,410.01	\$172,410
\$335.00					\$172,410.01	\$174,410
\$340.00					\$174,410.01	\$174,864
	200% FPIG	\$133,860	200% FPIG	\$141,340	200% FPIG	\$148,820

CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE
 (BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Co-pay	Family Size: 19		Family Size: 20		Family Size: 21	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$44,150	Less than:	\$45,890	Less than:	\$47,630
\$10.00	\$44,150.01	\$46,150	\$45,890.01	\$47,890	\$47,630.01	\$49,630
\$15.00	\$46,150.01	\$48,150	\$47,890.01	\$49,890	\$49,630.01	\$51,630
\$20.00	\$48,150.01	\$50,150	\$49,890.01	\$51,890	\$51,630.01	\$53,630
\$25.00	\$50,150.01	\$52,150	\$51,890.01	\$53,890	\$53,630.01	\$55,630
\$30.00	\$52,150.01	\$54,150	\$53,890.01	\$55,890	\$55,630.01	\$57,630
\$35.00	\$54,150.01	\$56,150	\$55,890.01	\$57,890	\$57,630.01	\$59,630
\$40.00	\$56,150.01	\$58,150	\$57,890.01	\$59,890	\$59,630.01	\$61,630
\$45.00	\$58,150.01	\$60,150	\$59,890.01	\$61,890	\$61,630.01	\$63,630
\$50.00	\$60,150.01	\$62,150	\$61,890.01	\$63,890	\$63,630.01	\$65,630
\$55.00	\$62,150.01	\$64,150	\$63,890.01	\$65,890	\$65,630.01	\$67,630
\$60.00	\$64,150.01	\$66,150	\$65,890.01	\$67,890	\$67,630.01	\$69,630
\$65.00	\$66,150.01	\$68,150	\$67,890.01	\$69,890	\$69,630.01	\$71,630
\$70.00	\$68,150.01	\$70,150	\$69,890.01	\$71,890	\$71,630.01	\$73,630
\$75.00	\$70,150.01	\$72,150	\$71,890.01	\$73,890	\$73,630.01	\$75,630
\$80.00	\$72,150.01	\$74,150	\$73,890.01	\$75,890	\$75,630.01	\$77,630
\$85.00	\$74,150.01	\$76,150	\$75,890.01	\$77,890	\$77,630.01	\$79,630
\$90.00	\$76,150.01	\$78,150	\$77,890.01	\$79,890	\$79,630.01	\$81,630
\$95.00	\$78,150.01	\$80,150	\$79,890.01	\$81,890	\$81,630.01	\$83,630
\$100.00	\$80,150.01	\$82,150	\$81,890.01	\$83,890	\$83,630.01	\$85,630
\$105.00	\$82,150.01	\$84,150	\$83,890.01	\$85,890	\$85,630.01	\$87,630
\$110.00	\$84,150.01	\$86,150	\$85,890.01	\$87,890	\$87,630.01	\$89,630
\$115.00	\$86,150.01	\$88,150	\$87,890.01	\$89,890	\$89,630.01	\$91,630
\$120.00	\$88,150.01	\$90,150	\$89,890.01	\$91,890	\$91,630.01	\$93,630
\$125.00	\$90,150.01	\$92,150	\$91,890.01	\$93,890	\$93,630.01	\$95,630
\$130.00	\$92,150.01	\$94,150	\$93,890.01	\$95,890	\$95,630.01	\$97,630
\$135.00	\$94,150.01	\$96,150	\$95,890.01	\$97,890	\$97,630.01	\$99,630
\$140.00	\$96,150.01	\$98,150	\$97,890.01	\$99,890	\$99,630.01	\$101,630
\$145.00	\$98,150.01	\$100,150	\$99,890.01	\$101,890	\$101,630.01	\$103,630
\$150.00	\$100,150.01	\$102,150	\$101,890.01	\$103,890	\$103,630.01	\$105,630
\$155.00	\$102,150.01	\$104,150	\$103,890.01	\$105,890	\$105,630.01	\$107,630
\$160.00	\$104,150.01	\$106,150	\$105,890.01	\$107,890	\$107,630.01	\$109,630
\$165.00	\$106,150.01	\$108,150	\$107,890.01	\$109,890	\$109,630.01	\$111,630
\$170.00	\$108,150.01	\$110,150	\$109,890.01	\$111,890	\$111,630.01	\$113,630
\$175.00	\$110,150.01	\$112,150	\$111,890.01	\$113,890	\$113,630.01	\$115,630
\$180.00	\$112,150.01	\$114,150	\$113,890.01	\$115,890	\$115,630.01	\$117,630
\$185.00	\$114,150.01	\$116,150	\$115,890.01	\$117,890	\$117,630.01	\$119,630
\$190.00	\$116,150.01	\$118,150	\$117,890.01	\$119,890	\$119,630.01	\$121,630
\$195.00	\$118,150.01	\$120,150	\$119,890.01	\$121,890	\$121,630.01	\$123,630
\$200.00	\$120,150.01	\$122,150	\$121,890.01	\$123,890	\$123,630.01	\$125,630
\$205.00	\$122,150.01	\$124,150	\$123,890.01	\$125,890	\$125,630.01	\$127,630
\$210.00	\$124,150.01	\$126,150	\$125,890.01	\$127,890	\$127,630.01	\$129,630
\$215.00	\$126,150.01	\$128,150	\$127,890.01	\$129,890	\$129,630.01	\$131,630
\$220.00	\$128,150.01	\$130,150	\$129,890.01	\$131,890	\$131,630.01	\$133,630
\$225.00	\$130,150.01	\$132,150	\$131,890.01	\$133,890	\$133,630.01	\$135,630

CO-PAYMENT CHART
FAMILY CO-PAYMENT SCALE
 (BASED ON THE 2009 FEDERAL POVERTY INCOME GUIDELINES)

Weekly Co-pay	CONTINUED		CONTINUED		CONTINUED	
	Family Size:	19	Family Size:	20	Family Size:	21
	Annual Income		Annual Income		Annual Income	
\$230.00	\$132,150.01	\$134,150	\$133,890.01	\$135,890	\$135,630.01	\$137,630
\$235.00	\$134,150.01	\$136,150	\$135,890.01	\$137,890	\$137,630.01	\$139,630
\$240.00	\$136,150.01	\$138,150	\$137,890.01	\$139,890	\$139,630.01	\$141,630
\$245.00	\$138,150.01	\$140,150	\$139,890.01	\$141,890	\$141,630.01	\$143,630
\$250.00	\$140,150.01	\$142,150	\$141,890.01	\$143,890	\$143,630.01	\$145,630
\$255.00	\$142,150.01	\$144,150	\$143,890.01	\$145,890	\$145,630.01	\$147,630
\$260.00	\$144,150.01	\$146,150	\$145,890.01	\$147,890	\$147,630.01	\$149,630
\$265.00	\$146,150.01	\$148,150	\$147,890.01	\$149,890	\$149,630.01	\$151,630
\$270.00	\$148,150.01	\$150,150	\$149,890.01	\$151,890	\$151,630.01	\$153,630
\$275.00	\$150,150.01	\$152,150	\$151,890.01	\$153,890	\$153,630.01	\$155,630
\$280.00	\$152,150.01	\$154,150	\$153,890.01	\$155,890	\$155,630.01	\$157,630
\$285.00	\$154,150.01	\$156,150	\$155,890.01	\$157,890	\$157,630.01	\$159,630
\$290.00	\$156,150.01	\$158,150	\$157,890.01	\$159,890	\$159,630.01	\$161,630
\$295.00	\$158,150.01	\$160,150	\$159,890.01	\$161,890	\$161,630.01	\$163,630
\$300.00	\$160,150.01	\$162,150	\$161,890.01	\$163,890	\$163,630.01	\$165,630
\$305.00	\$162,150.01	\$164,150	\$163,890.01	\$165,890	\$165,630.01	\$167,630
\$310.00	\$164,150.01	\$166,150	\$165,890.01	\$167,890	\$167,630.01	\$169,630
\$315.00	\$166,150.01	\$168,150	\$167,890.01	\$169,890	\$169,630.01	\$171,630
\$320.00	\$168,150.01	\$170,150	\$169,890.01	\$171,890	\$171,630.01	\$173,630
\$325.00	\$170,150.01	\$172,150	\$171,890.01	\$173,890	\$173,630.01	\$175,630
\$330.00	\$172,150.01	\$174,150	\$173,890.01	\$175,890	\$175,630.01	\$177,630
\$335.00	\$174,150.01	\$176,150	\$175,890.01	\$177,890	\$177,630.01	\$179,630
\$340.00	\$176,150.01	\$178,150	\$177,890.01	\$179,890	\$179,630.01	\$181,630
\$345.00	\$178,150.01	\$180,150	\$179,890.01	\$181,890	\$181,630.01	\$183,630
\$350.00	\$180,150.01	\$182,150	\$181,890.01	\$183,890	\$183,630.01	\$185,630
\$355.00	\$182,150.01	\$183,653	\$183,890.01	\$185,890	\$185,630.01	\$187,630
\$360.00			\$185,890.01	\$187,890	\$187,630.01	\$189,630
\$365.00			\$187,890.01	\$189,890	\$189,630.01	\$191,630
\$370.00			\$189,890.01	\$191,890	\$191,630.01	\$193,630
\$375.00			\$191,890.01	\$192,442	\$193,630.01	\$195,630
\$380.00					\$195,630.01	\$197,630
\$385.00					\$197,630.01	\$199,630
\$390.00					\$199,630.01	\$201,231
	200% FPIG	\$156,300	200% FPIG	\$163,780	200% FPIG	\$171,260

[Pa.B. Doc. No. 09-894. Filed for public inspection May 15, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Meetings Scheduled for 2009

Motor Carrier Safety Advisory Committee

The Motor Carrier Safety Advisory Committee (MCAC) will hold a meeting on Thursday, May 21, 2009, from 11:30 a.m. to 3 p.m. at the Turnpike Commission Building, Harrisburg, PA. For more information, contact the Executive Secretary of MCAC, Nicole Cristini at (717) 772-2511 or ncristini@state.pa.us.

State Transportation Commission

The State Transportation Commission (STC) will hold a meeting on Wednesday, May 27, 2009, from 1 p.m. to 3 p.m. in Allentown, PA. For more information, contact the Executive Secretary of STC, Nolan Ritchie at (717) 787-2913 or nritch@state.pa.us.

Pedalcycle and Pedestrian Advisory Committee

The Pedalcycle and Pedestrian Advisory Committee will hold a meeting on Thursday, May 28, 2009, from 1 p.m. to 3:30 p.m. in Conference Room 125C of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact the Executive Secretary of PPAC, Gary Modi at (717) 783-1990 or gmodi@state.pa.us.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-895. Filed for public inspection May 15, 2009, 9:00 a.m.]

Proposed Disadvantaged Business Enterprise Goals for Participation in Federally-Funded Highway, Aviation and Transit Contracts for Fed- eral Fiscal Year 2010

The Department of Transportation (Department) is providing notice of its proposed Disadvantaged Business Enterprise (DBE) goals for Federal Fiscal Year (FFY) 2010. The goals for DBE participation cover contracts assisted with Federal highway, transit and aviation funds. The proposed methodologies used in determining the DBE goals are available for inspection and upon request at the Department, Bureau of Equal Opportunity; see contact information as follows. The proposed FFY 2010 goals are as follows:

- The overall goal for Federally-assisted highway contracts is 5.00%.
- The overall goal for Federally-assisted transit contracts is 6.58%.
- The overall goal for Federally-assisted aviation contracts is 13.10%.

Methodologies used in determination of the goals are available for inspection during normal business hours at the Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891, (800) 468-4201, pasdc.hbg.psu.edu/pasdc/dot/.

The information will be available for inspection for 30 days from the date of this notice. The Department will accept written comments on the proposed goals for 45

days from the date of this notice. Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, P. O. Box 3251, Harrisburg, PA 17105-3251, fax (717) 772-4026.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-896. Filed for public inspection May 15, 2009, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The May 20, 2009, meeting of the Environmental Quality Board (EQB) is cancelled. The next regularly scheduled meeting of the EQB is scheduled for Tuesday, June 16, 2009, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the June 16, 2009, meeting will be available on the Department of Environmental Protection's web site at www.depweb.state.pa.us (DEP Keywords: "EQB").

Questions concerning the EQB's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@state.pa.us.

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 09-897. Filed for public inspection May 15, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
15-445	Department of Revenue Amended Report— Corporation Taxes	4/6/09	5/6/09

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
	39 Pa.B. 1207 (March 7, 2009)		

**Department of Revenue
Regulation #15-445
(IRRC #2750)**

Amended Report—Corporation Taxes

May 6, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the March 7, 2009, *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Revenue (Department) to respond to all comments received from us or any other source.

1. Section 151.14. Amended report.—Implementation procedures; Clarity and lack of ambiguity.

According to the Department, the purpose of this rulemaking is to provide for the filing of amended corporation tax reports governed by the assessment process established by Act 119 of 2006. The assessment process is intended to eventually replace the settlement process the Department has used to process corporation tax reports. We have two concerns.

First, a commentator has noted that the proposed regulation does not include provisions similar to those found under § 153.65, pertaining to the settlement and resettlement process for corrected reports. Has the Department considered including language in the proposed regulation that would clarify procedures for filing corrected reports? The Preamble to the final-form regulation should explain why provisions similar to those found in § 153.65, are or are not, necessary.

Second, it is our understanding that the purpose of this section is to provide taxpayers with a mechanism for amending corporate tax reports for routine or non-controversial matters. Allowing a taxpayer to file an amended report is not required by any statute, and the proposed regulation has been written to allow the Department a great degree of latitude for accepting, reviewing and amending corporate tax returns. Unless an assessment is issued by the Department as a result of a taxpayer filing an amended report, there is no right to appeal.

While we understand the rationale for the latitude the Department has provided itself via this rulemaking, we are concerned that the regulation lacks predictability and does not provide the regulated community with any degree of certainty that their amended reports will be processed in a timely manner. In addition, it does not establish a binding norm that can be evenly applied to all taxpayers filing an amended report. This ambiguity and lack of clarity could negatively affect taxpayers that are trying to make informed business decisions pertaining to their tax obligations.

We suggest the final-form regulation be amended to require the Department to take action on an amended report within a specific time frame and provide notice to the taxpayer of that action. We also suggest that the

final-form regulation clarify or provide examples of the types of changes that could be made through the amended report process. Finally, the final-form regulation should alert taxpayers to the fact that not all actions taken or decisions made by the Department on an amended report are appealable.

2. Applicability.—Implementation procedures.

The proposed rulemaking includes a new § 153.66, which states, "Sections 153.61—153.65, regarding settlement and resettlement, apply to taxes settled prior to January 1, 2008." Chapter 153, the chapter in which this new language is found, pertains exclusively to the corporate net income tax. Since this rulemaking applies to several taxes that fall under the corporate tax umbrella, we suggest that the language found in § 153.66 be moved to Chapter 151, which pertains to general provisions for all corporate taxes, not just the corporate net income tax.

3. Miscellaneous clarity.

Subsection 151.14(f)(1) makes reference to an "appropriate board." It is our understanding that this term means either the Board of Appeals or the Board of Finance and Revenue. We suggest that the specific boards be named in the final-form regulation.

Under § 151.14(g)(5), the Department may require a taxpayer to provide "proof of acceptance" of their Federal income tax return by the Internal Revenue Service. To improve the clarity of this subsection, we suggest that the final-form regulation list examples or types of documentation that would be appropriate "proof of acceptance."

[Pa.B. Doc. No. 09-898. Filed for public inspection May 15, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

**Agency Contract Termination of Gindin Insurance
Agency, Inc. under Act 143; Westfield Insurance;
Doc. No. AT09-04-025**

A prereview telephone conference initiated by this office is scheduled for June 11, 2009, at 10 a.m. A date for a review shall be determined, if necessary, at the prereview telephone conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any must be filed on or before May 27, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 10, 2009.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-899. Filed for public inspection May 15, 2009, 9:00 a.m.]

Alleged Violation of Insurance Laws; Akim F. Czmus; Doc. No. 08-57700273

Notice is hereby given of the Order to Show Cause issued on May 5, 2009, by the Deputy Insurance Commissioner of the Commonwealth in the previously-referenced matter. Violation of the following is alleged: sections 611-A(1) and (20) of The Insurance Department Act of 1921 (40 P. S. § 310.11-A(1) and (20)).

Respondent was ordered to file a written answer to the Order to Show Cause within 20 days. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna Fleischauer, Disability Services Coordinator at (717) 787-4298.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-900. Filed for public inspection May 15, 2009, 9:00 a.m.]

Independence Blue Cross; Blue Cross Nongroup Special Care Hospital Program (6-P-09); Rate Filing

On April 29, 2009, Independence Blue Cross filed for an increase in its nongroup Special Care Hospital rates in its five-county southeastern Pennsylvania service area. The proposed 27.8% increase will affect 6,200 contracts and generate an additional \$2,000,000 annually. The requested effective date of this change is July 1, 2009.

Unless formal administrative action is taken prior to July 30, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us, within 30

days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-901. Filed for public inspection May 15, 2009, 9:00 a.m.]

Independence Blue Cross; Nongroup Basic Blue Cross Hospital Program (5-P-09); Rate Filing

On April 29, 2009, Independence Blue Cross filed for an increase in its nongroup Basic Blue Cross Hospital rates in its five-county southeastern Pennsylvania service area. The proposed 24.55% increase for the non-HCTC eligible product and proposed 43.24% increase for the HCTC eligible product will affect 2,800 contracts and generate an additional \$2,700,000 annually. The requested effective date of this change is July 1, 2009.

Unless formal administrative action is taken prior to July 30, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-902. Filed for public inspection May 15, 2009, 9:00 a.m.]

Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P. S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

Export List

Amusements

Amusement Parks and their Devices
Animal Rides
Recreational and Sporting Events
Special Short Term Events
Theatrical Presentations

Aviation

Fixed Base Operations
 Chemical Spray and/or Drift
 Crane and Rigging Contractors (liability and physical damage only)
 Crop Dusters (aircraft liability and aircraft hull coverage only)
 Day Care Centers Liability, including Sexual Abuse Coverage
 Demolition Contractors Liability
 Firework Sales/Manufacturing
 Flood Insurance not provided under Federal Flood Insurance
 Fuel and Explosive Haulers (excess auto liability and auto physical damage only)
 Hazardous Waste Haulers (excess auto liability and auto physical damage only)
 Hazardous Waste Storage and Disposal (liability only)
 Hunting Clubs
 Kidnapping, Ransom and Extortion Insurance
 Liquor Liability (monoline)
 Medical Malpractice Liability with or without related General Liability Coverages
 Nursing Home Liability with or without other Affiliated Elder Care Services

Products Liability (monoline) for the Manufacturing of:
 Aircraft and Component Parts
 Automotive and Component Parts
 Farm and Industrial Equipment
 Firearms
 Medical Equipment
 Petrochemicals
 Pharmaceuticals

Products Recall (monoline) for the Manufacturing of:
 Aircraft and Component Parts
 Automotive and Component Parts
 Farm and Industrial Equipment
 Firearms
 Medical Equipment
 Petrochemicals
 Pharmaceuticals

Railroad, including Consultants, Contractors and Suppliers
 Real-Estate Environmental Impairment Coverage
 Security/Detective/Patrol Agencies
 Taxicab Liability
 Vacant Properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 38 Pa.B. 2426 (May 24, 2008) and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-903. Filed for public inspection May 15, 2009, 9:00 a.m.]

Inter-County Hospitalization Plan, Inc.; Application for Approval of Revised Rates for its 65-Select (Hospital) Plans; Filing No. MG Hospital 0409; Rate Filing

Inter-County Hospitalization Plan, Inc. has filed for approval increased rates for its community-rated 65-Select program. The requested effective date of the revised rates is July 1, 2009, and the revised rates represent an average increase of 27.2% over the currently approved rates. The monthly premiums for subscribers enrolling at first eligibility are as follows:

	<i>Current Rate</i>	<i>Proposed Rate</i>	<i>Adjustment Percentage</i>
Plan A	\$61.75	\$83.80	35.7%
Plan B	\$92.05	\$119.00	29.3%
Plan C	\$108.95	\$137.50	26.2%
Plan D	\$108.80	\$136.45	25.4%
Plan E	\$108.45	\$149.80	38.1%
Plan H (with Rx)	\$143.60	\$204.80	42.6%
Plan H (w/o Rx)	\$107.10	\$145.55	35.9%

These rate adjustments will affect approximately 2,080 subscribers in Pennsylvania, and will generate approximately \$800,000 in additional premium annually.

Unless formal administrative action is taken prior to July 29, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Copies of the filing is also available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg.

Interested parties are invited to submit written or email comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-904. Filed for public inspection May 15, 2009, 9:00 a.m.]

Shiroo Parshad, M. D.; Prehearing

Appeal of Shiroo Parshad, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-04-017

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before May 25, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 17,

2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for June 24, 2009, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 22, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 9, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before June 23, 2009.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-905. Filed for public inspection May 15, 2009, 9:00 a.m.]

Pennsylvania Professional Liability Joint Underwriting; Rate Filing

On May 1, 2009, the Insurance Department (Department) received from the Pennsylvania Professional Liability Joint Underwriting Association (JUA) a filing to decrease rates overall by 8.9% for institutional and noninstitutional health care providers. The filing includes the following revisions:

- * Changes to 17 class relativities.
- * Changes to four territory relativities.
- * Movement of 13 specialties from one class to another.

Unless formal administrative action is taken prior to June 30, 2009, the rates within the subject filing may be deemed into use upon the effective date, January 1, 2010, by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-906. Filed for public inspection May 15, 2009, 9:00 a.m.]

QCC Insurance Co. (a subsidiary of Independence Blue Cross); Filing No. QCC-1-09 Nongroup Personal Choice Rate Filing; Rate Filing

On April 29, 2009, the Insurance Department received from QCC Insurance Co. (a subsidiary of Independence Blue Cross) a filing for a rate increase for its Nongroup Personal Choice product.

The company requests the following rate increases by benefit plan option: Prime 28.85%, High 28.85% and Standard 18.08%.

Unless formal administrative action is taken prior to July 30, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-907. Filed for public inspection May 15, 2009, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Karen Feese; file no. 09-183-68342; State Farm Mutual Automobile Insurance Company; Doc. No. P09-04-013; June 3, 2009, 9:30 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Keyana Ingram; file no. 09-216-66176; Rutgers Casualty Insurance Company; Doc. No. PH09-04-003; June 18, 2009, 9 a.m.

Appeal of Robert Shirley; file no. 09-214-67311; Encompass Insurance Company; Doc. No. PH09-04-014; June 18, 2009, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-908. Filed for public inspection May 15, 2009, 9:00 a.m.]

Appeal of Darlene Miller; file no. 09-214-66550; Nationwide Mutual Fire Insurance Company; Doc. No. PH09-04-015; June 18, 2009, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-909. Filed for public inspection May 15, 2009, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Toni San Maria Casale; file no. 09-181-69135; The Travelers Indemnity Company; Doc. No. P09-04-036; June 17, 2009, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Terrence E. Evans; file no. 09-214-67386; Insurance Placement Facility of Pennsylvania; Doc. No. PH09-04-020; June 17, 2009, 1 p.m.

Joseph S. Schwalm; Prehearing

Joseph S. Schwalm; Order to Show Cause; Doc. No. SC09-03-017

A prehearing telephone conference initiated by this office is scheduled for June 4, 2009, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 2, 2009. A hearing shall occur in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 20, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 3, 2009.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-910. Filed for public inspection May 15, 2009, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual M530.7—Absence Program, Amended April 23, 2009.

Management Directive No. 530.24—Retired Employees Health Program Eligibility Requirements, Amended April 7, 2009.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 09-911. Filed for public inspection May 15, 2009, 9:00 a.m.]

PENNSYLVANIA HOUSING FINANCE AGENCY

Announces Request for Qualifications for Professional Firms to Provide Media Services

The Pennsylvania Housing Finance Agency (PHFA) is seeking statement of qualifications for professional services to provide media research, analysis, placement and related advertising and marketing consultation regarding some of PHFA's programs.

PHFA has prepared a Request for Qualifications (RFQ) for interested applicants. The RFQ is available in its entirety on PHFA's web site at www.phfa.org. Information set forth in this notice provides only a summary of the RFQ. Interested applicants must review the RFQ in detail for a description of the scope of services, application instructions and RFQ parameters. The RFQ requires submission of complete responses by 2 p.m., Friday, June 5, 2009.

Proposals are due on or before Friday, June 5, 2009, at 2 p.m. to:

Melissa Zorbaugh
Pennsylvania Housing Finance Agency
211 North Front Street
P. O. Box 8029
Harrisburg, PA 17105-8029

The RFQ may be obtained on the web site, at www.phfa.org.

Additionally, copies of the RFQ may be requested in writing by contacting the previous addressee. PHFA reserves the right to amend this RFQ process and to withdraw its RFQ invitation at any time. Further, PHFA may reject any and all proposals received as a result of this request for any reason, may negotiate separately with competing contractors, and may request supplemental information and oral presentation as it deems appropriate to evaluate applicant qualifications.

BRIAN A. HUDSON, Sr.,
Executive Director

[Pa.B. Doc. No. 09-912. Filed for public inspection May 15, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Order

Public Meeting held
April 16, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Compliance of Commonwealth of Pennsylvania with Section 410(a) of the American Recovery and Reinvestment Act of 2009; Doc. No. I-2009-2099881

Investigation Order

By the Commisison:

Pursuant to the Commission's authority under sections 501, 1301, 1501 and Chapters 22 and 29 (relating to Natural Gas Choice and Competition Act; and Electricity Generation Customer Choice and Competition Act) of the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 1501, 2201—2212 and 2801—2815, the Commission hereby initiates an investigation regarding the Commission policies and actions that should be implemented to ensure compliance with the requirements of Section 410(a) of the American Recovery and Reinvestment Act of 2009¹ ("Recovery Act") which, in general, requires the Commission to consider rate making policies that align with the promotion of energy efficiency and conservation. The investigation will consist of the Commission soliciting and reviewing comments by interested parties. In addition, the Commission will hold a technical conference following the comment period.

Discussion

Section 410(a) of the Recovery Act authorizes grants to States if certain conditions are met. The Governor of the State must notify the Secretary of Energy, in writing, that:

The applicable State regulatory authority will seek to implement, in appropriate proceedings for each elec-

¹ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 410(a), 123 Stat. 115 (2009).

tric and gas utility, with respect to which the State regulatory authority has ratemaking authority, a general policy that ensures that utility financial incentives are aligned with helping their customers use energy more efficiently and that provide timely cost recovery and a timely earnings opportunity for utilities associated with cost-effective measurable and verifiable efficiency savings, in a way that sustains or enhances utility customers' incentives to use energy more efficiently.²

In response to this requirement, Governor Rendell sent a letter dated March 23, 2009, to the Honorable Stephen Chu, Secretary of the U.S. Department of Energy, certifying that he had written to the Pennsylvania Public Utility Commission asking that it ensure adoption of the general policy described in Section 410(a) of the Recovery Act.

On the same day, Governor Rendell sent a letter to Commission Chairperson Cawley requesting that the Commission take specific steps to ensure that Pennsylvania meet the conditions of the Recovery Act. In his letter, Governor Rendell asked that the Commission:

[C]onsider additional steps the Commonwealth can take to establish appropriate incentives in electric and natural gas utility rates for energy efficiency programs, consistent with State law, the attached statute [the Recovery Act], and relevant PURPA requirements. These include policies to align interests of utilities to support conservation without raising the cost of conservation and increasing the cost to ratepayers of measurable, verifiable efficiency savings.³

Governor Rendell further asked the Secretary of the Pennsylvania Department of Environmental Protection to work with the Commission on this matter.

In compliance with the Recovery Act, and at the request of the Governor, the Commission commences this investigation into the requirements of section 410(a) of the Recovery Act. In particular, this investigation will consider the various policies and actions the Commission should implement to ensure that appropriate incentives are in place to align utility financial incentives with the promotion of energy efficiency and conservation by consumers.

The Commission also recognizes that proposed Federal energy legislation may mandate that Pennsylvania electric and gas utilities reduce the amount of energy that they sell to conserve resources and protect the environment. Therefore, this investigation will also evaluate the potential effect that such Federal energy legislation may have on Pennsylvania electric and natural gas utilities' business models.

In addition to addressing these issues, comments should also address the requirements of existing State law and, in particular, section 2806.1(k)(2) and (3) (recovery of costs related to energy efficiency and conservation plans), section 2807(f)(4) (recovery of costs related to use of smart meter technology), section 1505(b) (Commission authority to order conservation or load management programs) and section 2802 (declaration of legislative policies regarding competitive market for electric generation service) of the Public Utility Code, 66 Pa.C.S. § 2806.1(k)(2) and (3), 66 Pa.C.S. § 2807(f)(4), 66 Pa.C.S. § 1505(b), 66 Pa.C.S. § 2802, as well as any other

provisions of the Public Utility Code which may be affected. Effects on the Commission's existing regulations and policy statements should also be addressed.

Therefore,

It Is Ordered that:

1. An investigation is hereby instituted to address compliance with section 410(a) of the American Recovery and Reinvestment Act of 2009 and the actions the Commission should implement; by this investigation we are seeking to implement, in appropriate proceedings, general rate making policies that ensure that utility financial incentives are aligned with helping their customers use energy more efficiently and that provide timely cost recovery and a timely earnings opportunity for utilities associated with cost-effective measurable and verifiable efficiency savings, in a way that sustains or enhances utility customers' incentives to use energy more efficiently.

2. Initial comments must be submitted by interested parties within 60 days of entry of this Order and reply comments 30 days thereafter. Comments should address any appropriate actions, orders, policy statements or regulations that the Commission should adopt to ensure compliance with Section 410(a) of the American Recovery and Reinvestment Act of 2009 or to respond to the potential effect of proposed Federal energy legislation, including the issue of rate decoupling and all such measures that have the potential to encourage utility energy efficiency and conservation while ensuring the financial viability of the utilities.

3. The Law Bureau is designated as the lead bureau to oversee the investigation and, based on review of the filed comments, to prepare a recommendation for Commission action.

4. The Commission conduct a technical conference following the submission of comments and reply comments.

5. A copy of this investigation order shall be served upon all jurisdictional electric and gas utilities, the Office of Consumer Advocate, the Office of Trial Staff, and the Office of Small Business Advocate, the Secretary of the Pennsylvania Department of Environmental Protection and shall be published in the *Pennsylvania Bulletin*.

6. The contact person for this investigation is Steven Bainbridge, Law Bureau, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 sbainbridg@state.pa.us, (717) 783-6165.

7. The contact person for this investigation for technical matters is Ed Berzonsky, Bureau of Fixed Utility Services, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, eberzonsky@state.pa.us.

8. Alternate forms of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

By the Commission

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-913. Filed for public inspection May 15, 2009, 9:00 a.m.]

² American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 410(a), 123 Stat. 115 (2009).

³ Letter of Governor Edward G. Rendell to Chairperson James H. Cawley, March 23, 2009.

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 1, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers* for transportation of persons as described under the application.

A-2009-2104470. Annette and Harry White, Jr., Co-partners, t/a First Son (2749 North 20th Street, Philadelphia, PA 19132)—in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers* for the transportation of persons by *transfer of rights* as described under the application.

A-2009-2105475. Royal Transportation Group, LLC (383 Kane Boulevard, Pittsburgh, Allegheny County, PA 15243)—a limited liability corporation of the Commonwealth—in limousine service, between points in Allegheny County, which is to be a transfer of all rights authorized under the certificate issued at A-00110740, F.2, to Guy Bertini, t/a American Tiffany Limousine Service, subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers* for the transportation of *household goods* by *transfer of rights* as described under the application.

A-2009-2104323. Duffy Piano Moving and Storage, LLC (9 Darby Commons, Folcroft, Delaware County, PA 19032)—a limited liability corporation of the Commonwealth—household goods in use, limited to the transportation of pianos and organs, from points in the Counties of Bucks, Berks, Chester, Delaware, Montgomery and the City and County of Philadelphia, to points in Pennsylvania, which is to be a transfer of all rights authorized under the certificate issued at A-00121971, F.2, to Triad Piano, Inc., t/a Bucks County Piano.

Application of the following for approval to *begin operating as contract carriers* for transportation of persons as described under the application.

A-2009-2104969. Path Trans Care, Inc. (6734 Revere Street, Philadelphia, Philadelphia County, PA 19149)—a

corporation of the Commonwealth, for the right to begin to transport, as a contract carrier, by motor vehicle, persons in paratransit service for Logisticare Solutions, LLC, under their contract to provide services under the Medical Assistance Transportation Program (MATP), within the City and County of Philadelphia. *Attorney:* Mark Feinman, Esquire, 8171 Castor Avenue, Philadelphia, PA 19152.

Application of the following for the approval of the *transfer of stock* as described under the application.

A-2009-2105560. Classic Limousine Transportation, LLC (420 Rouser Road, Building No. 3, Suite 320, Coraopolis, Allegheny County, PA 15108), a limited liability company of the Commonwealth—ownership transfer—for the approval of the transfer of all (100%) membership interest of the issued and outstanding membership interest from Francis H. Azur to Azur Enterprises, LLC and David M. Azur. *Attorney:* William A. Gray, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Grant Building, Pittsburgh, PA 15219-2383.

Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers* by motor vehicle and for *cancellation of the certificate of public convenience* as described under each application.

A-00069352. John M. King Transportation, Inc. (4011 G Street, Philadelphia, Philadelphia County, PA 19124) for the discontinuance of service and cancellation of its certificate, as a common carrier of Household Goods between points in the City and County of Philadelphia.

A-00122865F0001. Capitol Limousine Service (110 3rd Street, New Cumberland, Cumberland County, PA 17070) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in limousine service, from Cumberland, Dauphin, Franklin, Perry and York Counties, to points in Pennsylvania and return.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Joy Berman Associates, Inc.; Doc. No. C-2009-2050013

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Joy Berman Associates, Inc. (respondent) is under suspension effective October 8, 2008, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 2401 Pennsylvania Avenue, No. 17B-30, Philadelphia, PA 19130.
3. That respondent was issued a Certificate of Public Convenience by this Commission on August 18, 1998, at A-00113693.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00113693 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file An answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and
Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certifications of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-914. Filed for public inspection May 15, 2009, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Schedule

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 10, 2009	Luis A. Gallego	1 p.m.
	Discontinuation of Disability Benefits	

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

LEONARD KNEPP,
Secretary

[Pa.B. Doc. No. 09-915. Filed for public inspection May 15, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Triennial Review of Water Quality Standards

The Environmental Quality Board (Board) is amending Chapter 93 (relating to water quality standards) as set forth in Annex A. This order was adopted by the Board at its meeting of January 20, 2009.

A. *Effective Date*

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. *Contact Persons*

For further information contact Richard H. Shertzer, Chief, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

C. *Statutory Authority*

The final-form rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement provisions of The Clean Streams Law and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and the Federal regulations in 40 CFR 131.32 (relating to Pennsylvania) set forth certain requirements for portions of the Commonwealth's antidegradation program and the Federal regulation in 40 CFR 131.41 (relating to bacteriological criteria for those states not complying with Clean Water Act section 303(i)(1)(A)) sets forth bacteria criteria for coastal recreation waters in this Commonwealth.

D. *Background and Summary*

Section 303(c)(1) of the Clean Water Act requires that states periodically, but at least once every 3 years, review and revise as necessary, their water quality standards.

This Commonwealth's water quality standards (WQS), which are codified in Chapter 93 and portions of Chapter 92 (relating to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance), are designed to implement sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act. The WQS consist of the designated and existing uses of the surface waters of this Commonwealth, along with the specific numeric and narrative criteria necessary to

achieve and maintain those uses and an antidegradation policy. Thus, WQS are in-stream water quality goals that are implemented by imposing specific regulatory requirements, such as treatment requirements and effluent limitations, on individual sources of pollution. These revised amendments constitute the Commonwealth's current triennial review of its WQSs.

The triennial review amendments, originally approved by the Board at its meeting of September 16, 2008, were reviewed by the General Counsel, Secretary of the Budget and the Secretary of Planning and Policy, in accordance with the Governor's Executive Order dated February 6, 1996, and titled "Regulatory Review and Promulgation." Their review and approval of these amendments is evidence of the Commonwealth's "compelling interest" to protect human health even though the amendments may exceed Federal standards.

The Independent Regulatory Review Commission (IRRC), however, met on November 20, 2008, and disapproved that final-form rulemaking. IRRC's sole reason for disapproval of the final-form rulemaking focused on the addition of a water quality criterion for molybdenum (Mo), a toxic substance.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), an agency has three options to respond to a disapproval of its final-form rulemaking by IRRC. An agency may withdraw the amendment from further consideration, or an agency may decide to resubmit the amendment to IRRC with or without revisions. The Board decided to modify its triennial review rulemaking and to resubmit it to IRRC with revisions.

In response to IRRC's disapproval order, dated November 20, 2008, the Department asked the Board to reconsider its earlier approval of the triennial review rulemaking package and to remove the Mo water quality criterion at its January 20, 2009, meeting. At this meeting the Board amended its previous approval (dated September 16, 2008) by deleting the water quality criterion for Mo.

The Board deleted the water quality criterion for Mo to avoid further delay in final adoption of the triennial review final-form rulemaking. The final-form rulemaking contains many other needed revisions to the Commonwealth's water quality standards. Any further delay in final publication of these other needed changes is a problem because the Department is required by the Environmental Protection Agency (EPA) to complete its triennial review in a timely manner, and submission of a final triennial review to EPA is already beyond the 3-year due date. It is anticipated that removal of the Mo criterion from this final-form rulemaking will allow the amended regulation to be approved as a final-form rulemaking under the Regulatory Review Act because Mo was the only issue identified by IRRC in its disapproval order. The revised rulemaking otherwise remains as it was considered and approved by the Board on September 16, 2008.

In light of the continuing disagreement with IRRC concerning the need for and justification for a Statewide Mo criterion, the Department plans to return to the Board in the near future with a new proposed rulemaking to adopt a Statewide Mo water quality criterion. With this new proposed rulemaking, there will be an opportunity to seek additional scientific support from the public for the criterion development. Until a future rulemaking adopts

Mo as a Statewide criterion, the Department will continue to exercise its existing authority to develop Mo criteria for individual permits on a case-by-case basis.

Regulatory revisions in this triennial review final-form rulemaking include: updating the water quality criteria; removing the Statewide criterion for Mo; merging sections of Chapter 16 (relating to water quality toxics management strategy—statement of policy) into Chapter 93; adding a definition in § 93.1 to clarify the term “conventional treatment” for potable water supply (PWS) that is used in § 93.3 (relating to protected water uses), Table 1 and clarifying in the footnote to Table 3 in § 93.7 (relating to specific water quality criteria) that other sensitive “critical uses” may apply; and correcting and changing drainage lists and other typographic and grammatical errors.

The triennial review also requires that states reexamine water body segments that do not meet the fishable or swimmable uses specified in section 101(a)(2) of the Federal Clean Water Act (33 U.S.C.A. § 1252(a)(2)). The Department evaluated these two water bodies in this Commonwealth where the uses are not currently met: (1) the Harbor Basin and entrance channel to Outer Erie Harbor/Presque Isle Bay (Drainage List X, § 93.9x); and (2) several zones in the Delaware Estuary (Drainage Lists E and G, §§ 93.9e and 93.9g).

The swimmable use designation was deleted from the Harbor Basin and entrance channel demarcated by United States Coast Guard buoys and channel markers on Outer Erie Harbor/Presque Isle Bay because pleasure boating and commercial shipping traffic pose a serious safety hazard in this area. This decision was further supported by a Use Attainability (UAA) study conducted by the Department in 1985. Because the same conditions and hazards exist today, no change to the designated use for Outer Erie Harbor/Presque Isle Bay is proposed.

In April 1989, the Department cooperated with the Delaware River Basin Commission (DRBC), EPA and other DRBC signatory states on a comprehensive UAA study in the lower Delaware River and Delaware Estuary. This study resulted in appropriate recommendations relating to the swimmable use, which the DRBC included in water use classifications and water quality criteria for portions of the tidal Delaware River in May 1991. The appropriate DRBC standards were referenced in §§ 93.9e and 93.9g (relating to drainage list E; and drainage list G) in 1994. The primary water contact use remains excluded from the designated uses for river miles 108.4 to 81.8 because of continuing significant impacts from combined sewer overflows, and hazards associated with commercial shipping and navigation.

The Department provided extensive opportunities for the public to comment on this final-form rulemaking. The Department's Water Resources Advisory Committee (WRAC), provided input on the proposed rulemaking at its May 10, 2006, October 13, 2006, and May 9, 2007. In addition, the Department presented the proposed rulemaking package to the Agricultural Advisory Board on August 22, 2007.

The amendments were adopted by the Board as proposed rulemaking at its October 16, 2007, meeting. The proposed rulemaking was published at 38 Pa.B. 236, 248 (January 12, 2008) with provision for a 45-day public comment period, including two public meetings and hearings that were held at the Department's Southcentral Regional Office in Harrisburg, PA on February 14, 2008. A correction was published at 38 Pa.B. 612 (February 2,

2008) to correct the criteria for two chemicals found in the proposed Table 5, § 93.8c (relating to human health and aquatic life criteria for toxic substances). Based on a request received, the public comment period was extended an additional 30 days and closed on March 27, 2008, as published at 38 Pa.B. 976 (February 23, 2008). The Board received public comments from 10 commentators including oral testimony from three witnesses at the February 14 public hearings. The comments received on the proposed rulemaking are summarized in Section E as follows.

The draft final-form rulemaking was discussed with WRAC on July 22, 2008, when the committee deliberated on aspects of the rulemaking including the adoption of Statewide criterion for Mo and the proposed definition of “conventional treatment.” Although WRAC approved the draft final-form rulemaking for consideration by the Board, some members of the WRAC expressed their concerns with the Mo criterion and the health data used to create the particular criterion. WRAC also provided recommendations to further clarify the proposed definition for “conventional treatment,” as it relates to the protection of the PWS use. The valuable input from the public and the collective knowledge and experience drawn from advisory committees and others on this proposal has been utilized to develop this final-form rulemaking. The Board has considered all of the public comments received on its proposed rulemaking, and all claims asserted in the November 20, 2008, IRRC's Disapproval Order in preparing this final-form rulemaking.

E. Summary of Responses to Comments and Changes to the Proposed Rulemaking

Comments were received from 10 commentators, as a result of the public hearings and public comment period, including IRRC and the EPA Region 3. The comments received covered four major topics: 1) the proposed Statewide Mo criterion; 2) clarification of language being added to § 93.7(a) concerning intervening critical uses; 3) moving the toxics criteria from Chapter 16 to Chapter 93; and 4) clarification on how the site-specific criteria in Chapter 16, Appendix A, Table 1A will be used.

Most of the comments received on the proposed rulemaking involved requests for the Board to justify the proposed Statewide criterion for Mo. For those facilities currently known to discharge Mo, the biological and chemical conditions of the receiving waters are not different from the conditions for other waters within this Commonwealth. Therefore, the Department believed it would be more effective and efficient to establish consistent, Statewide protection from the toxic effects of Mo. A more detailed analysis of the justification for a Mo criterion is described in Section F of this order.

Comments were received during the public comment period, and discussed during the July 22, 2008, WRAC, which suggested the Department used inappropriate data and methods to develop the proposed water quality criterion for Mo. The commentators contended that the Department did not consider the most recent and technically justifiable toxicological data in establishing the proposed Mo standard, nor did it properly calculate the standard. Commentators suggested that the Department base the determination on another study, *Effects of Molybdenum on Fertility of Male Rats* by Pandey and Singh, (BioMetals. 15: 65-72, 2002), which they contended contained better data. Based on this study, commentators suggested the Department use the Benchmark Dose Method (BMD), which may be used in calculating human health criteria, as an alternative to calculating the refer-

ence dose (RfD). Commentators believed BMD is an improved method in comparison to using the NOAEL/LOAEL (no observed adverse effects level/lowest observed adverse effects level), which is the approach used by the Department to calculate the RfD for the Mo criterion. While the EPA has approved the use of the BMD, its use must be based on the most sensitive endpoint. Data input to the BMD must be obtained from reviewing several critical studies to establish the most sensitive endpoint. This endpoint is then used to calculate the RfD.

The commentators singled out one study upon which they requested the RfD be calculated. The EPA's and the Department's evaluation of the request found that the study did not represent the most sensitive study population or the most sensitive endpoint. Therefore, due to insufficient data for BMD determination, the EPA recommended that the Department use the NOAEL/LOAEL approach to calculate the reference dose.

The Department used information from the *U.S. EPA Integrated Risk Information System (IRIS)* to obtain supporting studies in developing a criterion for Mo. IRIS is an electronic database containing information on human health effects that may result from exposure to various substances in the environment. IRIS is prepared and maintained by the EPA's National Center for Environmental Assessment within the Office of Research and Development.

The Department originally developed a criterion for Mo using only toxicity data available in the IRIS data base. At the request of a commentator, the EPA Headquarters approved supplementing the IRIS database with additional sources of toxicity information obtained from a peer-reviewed toxicity report from the Institute of Medicine (IOM), which was published by the National Academy Press. This updated, combined dataset was then used to develop the best available scientifically calculated Mo criterion.

EPA Headquarters and EPA Region 3 staff reviewed and concurred that the Department used the appropriate data and methodologies, and developed an appropriate recommended Statewide human health criterion for Mo.

Although no public comments were received regarding the proposed definition for "conventional treatment," further refinements were made to the definition on final-form rulemaking based on discussion and recommendations by WRAC. Conventional treatment, for the purpose of surface water protection of the PWS use, should reflect the treatment processes required to filter and disinfect water. The water supply treatment scheme will not have to bear the burden of removing nonconventional pollutants that should otherwise be controlled by those discharging the pollutants.

A comment received expressed concern that there may be confusion if all provisions in 40 CFR 131.41 are adopted by reference in § 93.9x (relating to drainage list X). The commentator recommended the adoption of only subsection (c) of the Federal regulation. Upon further evaluation, 40 CFR 131.41(a)–(e) is incorporated into the State regulations on final-form rulemaking. Only subsection (f) is excluded since it identifies a scheme for compliance schedules which is already addressed in Chapter 92.

Based on comments received, revisions to the "Critical Use" footnote in § 93.7(a) regarding "other intervening, more sensitive uses" were made. Protected and Statewide water uses, identified in §§ 93.3 and 93.4 (relating to Statewide water use), will be protected using criteria in

§§ 93.6 (relating to general water criteria), 93.7 and 93.8c and site-specific criteria developed under § 93.8d (relating to development of site-specific water quality criteria). Based on activities in the watershed that require the protection of intervening uses, site-specific criteria will be developed on a case-by-case basis.

Other commentators requested clarification on why the Board was moving criteria from Chapter 16 into Chapter 93. Moving the criteria for toxic substances into Chapter 93 will give these criteria the full effect and advantage of regulation. This is appropriate since these criteria are not being changed or supplemented as frequently as originally anticipated. The original incentive for listing criteria as a Statement of Policy in Chapter 16 was to allow for flexibility in the timing of criteria development and revision.

The EPA supported the movement of criteria into regulation but requested clarification in § 93.8d(e) on how the site-specific criteria in Chapter 16, Appendix A, Table 1A will be used. Background or natural conditions are site-specific by nature, so the EPA is unsure how that criteria will be incorporated into Table 5, which appears to include only Statewide criteria. A new criterion to be placed in Chapter 16, Appendix A, Table 1A will remain a site-specific criterion as originally developed and be incorporated into the appropriate portion of §§ 93.9a–93.9z that relates to "Exceptions to Specific Criteria" unless, during rulemaking, it is determined that the same criterion has general Statewide applicability.

A detailed description of the revisions to the Chapter 93 proposal follows:

Section 93.1. Definitions.

The proposed definition for "conventional treatment" is revised. The definition will reflect the treatment processes required to filter and disinfect water.

Conventional treatment—for the purpose of surface water protection of the Potable Water Supply (PWS) use, conventional treatment is coagulation, followed by filtration for the removal of solids and disinfection for the control of pathogens to produce water for drinking and other human consumption.

Section 93.7. Specific water quality criteria.

The footnote for "Critical Use" in Table 3 is revised to clarify that intervening uses on a waterbody may be protected.

* *Critical Use.* The designated or existing use criteria are designed to protect. More stringent site-specific criteria may be developed to protect other more sensitive, intervening uses.

In § 93.7(d), the reference to Chapter 16, Appendix A, Table 1A will not be added, as proposed, because it is not applicable to a natural quality determination.

Section 93.8c. Human health and aquatic life criteria for toxic substances.

On January 20, 2009, the Board approved an amendment to this final-form rulemaking by removing the Mo criterion from Table 5 in response to IRRC's disapproval.

Section 93.8d. Development of site-specific water quality criteria.

Section 93.8d is restructured to further clarify how site-specific water quality criteria will be developed, reviewed and promulgated. The Department will consider a request for site-specific criteria when: (1) there exist site-specific biological or chemical conditions of receiving

waters which differ from conditions upon which the Statewide water quality criteria were based; (2) more stringent criteria are needed for a parameter listed in § 93.7 to protect more sensitive, intervening uses; or (3) there exists a need for a site-specific criterion for a substance not listed in Chapter 93, Table 5.

All scientific studies shall be performed in accordance with the procedures and guidance in Chapter 16 and the Water Quality Standards Handbook (EPA 1994), as amended and updated, including: "Guidance on the Determination and Use of Water-Effect Ratios for Metals" (EPA-823-B-94-001, February 1994); and the "Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health" (2000). Other guidance approved by the Department, which is based on other EPA-approved or scientifically defensible methodologies, may be used. A proposed plan of study shall be submitted to the Department for review, consideration and approval prior to conducting these studies.

If the Department determines that site-specific criteria are appropriate according to one of the three conditions indicated previously, and the studies were conducted according to appropriate scientific methodologies, the Department will: (1) publish the site-specific criterion in the *Pennsylvania Bulletin*, along with other special conditions under § 92.61(a)(5) (relating to public notice of permit application and public hearing) and provide for public participation and public hearing in accordance with §§ 92.61, 92.63 and 92.65 (relating to public access information; and notice of reissuance of permits); (2) maintain publicly available lists of site-specific criteria; (3) submit the methodologies used for site-specific criteria development to the EPA's Regional Administrator for review and approval, within 30 days of the Department's final action; and (4) prepare a recommendation to the Board in the form of proposed rulemaking, incorporating that criterion for the waterbody segment.

If the Department determines that new Statewide criteria or modifications to Statewide criteria are appropriate, the Department will prepare a recommendation to the Board in the form of proposed rulemaking, incorporating the criteria into Chapter 93. The new criteria and changes to the criteria will become effective following adoption by the Board as final-form rulemaking and publication in the *Pennsylvania Bulletin*.

F. Summary of Response to the Independent Regulatory Review Commission's Disapproval Order

IRRC's disapproval order determined that this triennial review amendment is consistent with the statutory authority of The Clean Streams Law and the intention of the General Assembly. IRRC, however, also found that the Mo criterion portion of the proposed rulemaking was not in the public interest, based on criteria of the Regulatory Review Act.

IRRC's sole objection was the adoption of a Statewide water quality criterion for Mo. In its disapproval order, IRRC asserted three reasons for the disapproval: 1) IRRC questioned whether the Department had offered sufficient justification regarding the specific interest of the Commonwealth to exceed Federal water quality standards; 2) IRRC stated that the Board had not sufficiently addressed the economic and fiscal impact of imposing this new water quality criterion on the regulated community; and 3) IRRC stated that the Board had not fully demonstrated the impact of the consumption of Mo on the public health.

First, State-specific standards are often developed based on the types of industry, and pollutants related to

those industries, that are located in this Commonwealth. Industries located in this Commonwealth that may discharge Mo include specialty steel, coal mining and coal-fired power generation.

Mo is shown to cause gout-like symptoms, characterized by pain, swelling, inflammation and deformities of the joints, and in all cases, an increase in the uric acid content of the blood. In addition, disorders of the gastrointestinal tract, liver, kidneys and the central nervous system, including brain function, have been documented. Mo is considered to be a toxic metal and has also been labeled an embryonic mammalian teratogen because it can cause developmental deformities, as described in the Toxicity Profile—Toxicity Summary for Molybdenum prepared by the Oak Ridge National Laboratory and available at the online *Risk Assessment Information System (RAIS)*.

Possible human exposure pathways for Mo include dermal, inhalation and ingestion. The Mo criterion was developed considering the ingestion pathway through both drinking water and fish consumption. Exposure conditions used include two liters of water per day and 17.5 grams of fish per day (as recommended by the EPA) for a 70 kg adult.

In Chapter 93, a "toxic substance" is defined as "a chemical or compound in sufficient quantity or concentration which is, or may become, harmful to human, animal or plant life." Scientific literature shows that crops contaminated by Mo can be fatal to livestock if ingested. This condition has been documented in this Commonwealth. Based on the scientific evidence and the fact that industries in this Commonwealth discharge Mo, it is appropriate for the Commonwealth to "exceed" Federal water quality standards by adopting a standard for Mo.

Jon Capacasa, Director of EPA Region 3's Water Protection Division, provided a November 18, 2008, letter of support to Chairperson Coccodrilli of IRRC, in which he states that "PADEP developed [a] numeric criterion for molybdenum to protect human health in accordance with its own state regulations (Chapter 16, *Guidelines for Development of Human Health-Based Criteria*), using the guidelines in PA Code § 16.32 for threshold level toxic effects and EPA's *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (EPA-822-B-00-004, October 2000)." Jon Capacasa went on to say that EPA Region 3 supports "both the methodologies and the variables that PADEP used to develop a human health criterion for molybdenum. EPA also supports PADEP's determination that a molybdenum criterion is necessary to protect Pennsylvania's statewide potable water supply use."

The Department coordinated its Mo criteria development effort with EPA's regional water quality standards staff and its headquarters toxicologists. Even in the absence of a Federal standard, the EPA supports the numeric criterion that the Department developed for Mo.

Second, as the EPA properly indicated in its comments to IRRC, "economic and technological factors may not be used to justify adoption of criteria" under the Federal Clean Water Act. Water quality criteria are strictly based on science and are developed to protect water uses. Economic and technological factors are considered at the National Pollutant Discharge Elimination System (NPDES) permitting stage, when the conditions are established under which a permittee may discharge.

Although the Department is not obligated or permitted to evaluate technology when developing science-based

water quality criteria, in response to IRRC's concerns, the Department provided a list of available wastewater treatment methods for Mo. The Federal Clean Water Act establishes a goal of pollution elimination. See 33 U.S.C. § 1251(a). The law envisions science-based water quality standards that drive technology development to further the goal of eliminating water quality degradation.

The application of technology and the compliance time available to employ the technology are considered at the permitting stage. As stated at IRRC's public hearing, to the extent that new treatment technology is being developed or tested, the Department will work with a discharger to provide for an appropriate time to achieve permit limits.

Finally, although IRRC asserts that there is a lack of data demonstrating adverse health impacts on the residents of this Commonwealth, the EPA and states regularly rely on National health data to support the development of water quality standards. The Department is concerned that IRRC has misapprehended or disregarded the strong scientific and supportive evidence during its review of this regulation. The Department based its scientific review on references that rely on a compilation of approximately 680 scientific papers. The Department has the expertise in developing water quality criteria and IRRC should defer to the Department's expertise on these scientific issues.

G. *Benefits, Costs and Compliance*

1. *Benefits.* Overall, the Commonwealth, its citizens and natural resources will benefit from these recommended changes because they provide the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic values to present and future generations in the form of clean water, recreational opportunities and aquatic life protection. It is important that the citizens of this Commonwealth realize all of these benefits, and the Department ensures that activities that depend on surface water or that may affect its chemical, biological and physical integrity can continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

2. *Compliance Costs.* These final-form amendments to Chapter 93 may impose additional compliance costs on the regulated community. These regulatory changes are necessary to improve total pollution control. The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations.

Persons conducting or proposing activities or projects shall comply with the regulatory requirements relating to designated and existing uses. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment to meet the more stringent criteria for selected parameters or there are changes in designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating cost for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. Therefore, it is not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs from

technologically improved treatments may be offset over time by potential savings from and increased value of improved water quality through these improved and possibly more effective or efficient treatments.

3. *Compliance Assistance Plan.* The final-form rulemaking has been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with, and based on existing Department regulations.

This final-form rulemaking will be implemented through the Department's permit and approval actions. For example, the NPDES permitting program bases effluent limitations on the water uses of the stream. Permit conditions are established to assure water quality criteria are achieved and water uses are protected. No new compliance assistance measures are anticipated. Staff is available to assist regulated entities in complying with the regulatory requirements if questions arise.

4. *Paperwork Requirements.* These regulatory revisions should have no significant paperwork impact on the Commonwealth, its political subdivisions, or the private sector. There may be some additional paperwork requirements for new or expanding dischargers to streams upgraded to "high quality" or "exceptional value." For example, NPDES general permits are not available for new or expanding discharges to these streams. Thus, an individual permit and its associated paperwork would be required. Additionally, paperwork associated with demonstrating social and economic justification may be required for discharges to certain high quality waters and consideration of nondischarge alternatives is required for discharges to these special protection waters.

H. *Pollution Prevention*

WQS are a major pollution prevention tool because they protect water quality and designated and existing uses. The final-form rulemaking will be implemented through the Department's permit and approval actions. For example, the NPDES bases effluent limitations on the designated use of the stream and the water quality criteria necessary to achieve designated and existing uses.

I. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 21, 2007, the Department submitted a copy of the proposed rulemaking published at 38 Pa.B. 236, to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees (Standing Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department provided IRRC and the Standing Committees with copies of the comments received on the proposed rulemaking, as well as other documentation. The Department and Board have considered all public comments in preparing this final-form rulemaking.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 19, 2008, the Board's final-form rulemaking, dated September 16, 2008, was deemed approved by the House Standing Committee. The Senate Standing Committee, however, recommended, on

October 8, 2008, that IRRC disapprove the original final-form rulemaking, and requested additional time to review IRRC's action on that final-form rulemaking. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2008, and disapproved the Board's final-form rulemaking dated September 16, 2008.

Under section 7(c) of the Regulatory Review Act (71 P. S. § 745.7(c)), on February 6, 2009, the Department submitted a copy of the revised final-form rulemaking to IRRC and the Standing Committees.

Under section 7(c.1) of the Regulatory Review Act (71 P. S. § 745.7(c.1)), on February 26, 2009, IRRC approved the revised final-form rulemaking. Under section 7(d) of the Regulatory Review Act, on March 13, 2009, the revised final-form rulemaking was deemed approved by the House and Senate Standing Committees.

K. Findings of the Board

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law. In addition, Board hearings were held, and the public comment period was extended. All comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposal published at 38 Pa.B. 236 or the correction published at 38 Pa.B. 612.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

L. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.1, 93.3, 93.7, 93.8a, 93.8d, 93.9, 93.9d, 93.9f, 93.9i, 93.9l, 93.9m, 93.9q, 93.9v and 93.9x, by deleting § 93.8 and by adding §§ 93.8b, 93.8c and 93.8e to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: In addition to the amendments ordered in subsection (a), the regulations of the Department are amended by adding the designation "MF" upon codification in §§ 93.9a—93.9o and 93.9z.)

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Standing Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JOHN HANGER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 1369 (March 14, 2009).)

(Editor's Note: For a Statements of Policy relating to this rulemaking, see 39 Pa.B. _____ (May 16, 2009).)

Fiscal Note: Fiscal Note 7-421 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

GENERAL PROVISIONS

§ 93.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Conventional treatment—For the purpose of surface water protection of the Potable Water Supply (PWS) use, coagulation, followed by filtration for the removal of solids, and disinfection for the control of pathogens to produce water for drinking and other human consumption.

* * * * *

Toxic substance—A chemical or compound in sufficient quantity or concentration which is, or may become, harmful to human, animal or plant life. The term includes, but is not limited to, priority pollutants and those substances, which are identified in Tables 5 and 6. Additional toxic substances are also described in Chapter 16 Appendix A, Table 1A (relating to site-specific water quality criteria for toxic substances).

WER—Water Effect Ratio—A factor that expresses the difference between the measures of the toxicity of a substance in laboratory water and the toxicity in site water. The WER provides a mechanism to account for that portion of a metal that is toxic under certain physical, chemical or biological conditions.

* * * * *

§ 93.3. Protected water uses.

Water uses which shall be protected, and upon which the development of water quality criteria shall be based, are set forth, accompanied by their identifying symbols, in Table 1:

TABLE 1

Symbol	Protected Use
Aquatic Life	
	* * * * *
MF	<i>Migratory Fishes</i> —Passage, maintenance and propagation of anadromous and catadromous fishes and other fishes which move to or from flowing waters to complete their life cycle in other waters.
	* * * * *

Symbol Protected Use

Water Supply

* * * * *

IRS *Irrigation*—Used to supplement precipitation for crop production, maintenance of golf courses and athletic fields and other commercial horticultural activities.

* * * * *

§ 93.7. Specific water quality criteria.

(a) Table 3 displays specific water quality criteria and associated critical uses. The criteria associated with the Statewide water uses listed in § 93.4, Table 2 apply to all surface waters, unless a specific exception is indicated in §§ 93.9a—93.9z. Other specific water quality criteria apply to surface waters as specified in §§ 93.9a—93.9z. All applicable criteria shall be applied in accordance with this chapter, Chapter 96 (relating to water quality standards implementation) and other applicable State and Federal laws and regulations.

TABLE 3

Parameter	Symbol	Criteria	Critical Use*
		* * * * *	
Ammonia Nitrogen	Am	The maximum total ammonia nitrogen concentration (in mg/L) at all times shall be the numerical value given by: un-ionized ammonia nitrogen (NH ₃ -N) x (log ⁻¹ [pK _T -pH] + 1), where:	CWF, WWF, TSF, MF
		* * * * *	

* Critical Use: The designated or existing use the criteria are designed to protect. More stringent site-specific criteria may be developed to protect other more sensitive, intervening uses.

(b) Table 4 contains specific water quality criteria that apply to the water uses to be protected. When the symbols listed in Table 4 appear in the Water Uses Protected column in §§ 93.9a—93.9z, they have the meaning listed in the second column of Table 4. Exceptions to these standardized groupings will be indicated on a stream-by-stream or segment-by-segment basis by the words “Add” or “Delete” followed by the appropriate symbols described elsewhere in this chapter.

* * * * *

(d) If the Department determines that natural quality of a surface water segment is of lower quality than the applicable aquatic life criteria in Table 3 or 5, the natural quality shall constitute the aquatic life criteria for that segment. All draft natural quality determinations will be published in the *Pennsylvania Bulletin* and be subject to a minimum 30-day comment period. The Department will maintain a publicly available list of surface waters and parameters where this subsection applies, and will, from time to time, submit appropriate amendments to §§ 93.9a—93.9z.

§ 93.8. (Reserved).

§ 93.8a. Water quality criteria for toxic substances.

* * * * *

(b) Water quality criteria for toxic substances shall be established as described under Chapter 16 (relating to water quality toxics management strategy—statement of policy). The Department will develop water quality criteria for toxic substances not listed in Chapter 93, Table 5 in accordance with § 93.8d (relating to development of site-specific water quality criteria) and Chapter 16. Appendix A, Table 1A in Chapter 16 lists site-specific human health and aquatic life criteria that have been recently developed or adopted by the Department based on approved methodologies and the best scientific information currently available. The approved analytical procedures and detection limits for these substances will also be

listed in Chapter 16. Chapter 16, along with changes made to it, is hereby specifically incorporated by reference.

* * * * *

(h) The Department will periodically, but at least once every 3 years, review, revise as necessary, and publish new or revised water quality criteria for toxic substances, and revised procedures for criteria development in the *Pennsylvania Bulletin*.

* * * * *

(j) The requirements for discharges to and antidegradation requirements for the Great Lakes System are as follows:

(1) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

BAF—Bioaccumulation Factor—The ratio in liters per kilogram of a substance’s concentration in tissues of an aquatic organism to its concentration in the ambient water, when both the organism and its food are exposed and the ratio does not change substantially over time.

BCC—Bioaccumulative Chemical of Concern—A chemical that has the potential to cause adverse effects which, upon entering the surface waters, by itself or its toxic transformation product, accumulates in aquatic organisms by a human health BAF greater than 1,000, after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, under the methodology in 40 CFR Part 132 Appendix B (relating to Great Lakes Water Quality Initiative). Current BCCs are listed in 40 CFR 132.6, Table 6.A (relating to pollutants of initial focus in the Great Lakes Water Quality Initiative).

Great Lakes System—The streams, rivers, lakes and other bodies of surface water within the drainage basin of the Great Lakes in this Commonwealth.

Open Waters of the Great Lakes—The waters within the Great Lakes in this Commonwealth lakeward from a line

drawn across the mouth of the tributaries to the lakes, including the waters enclosed by constructed breakwaters, but not including the connecting channels.

(2) *Total Maximum Daily Loads (TMDLs)*. TMDLs for Open Waters of the Great Lakes shall be derived following the procedures in 40 CFR Part 132, Appendix F, Procedure 3.D (relating to Great Lakes Water Quality Initiative implementation procedures).

(3) Statewide antidegradation requirements in this chapter and Chapter 96 (relating to water quality standards implementation) and in the Federal regulation in 40 CFR 131.32(a) (relating to Pennsylvania) as applicable, apply to all surface waters of the Great Lakes System.

(4) If, for any BCC, the quality of the surface water exceeds the levels necessary to support the propagation of fish, shellfish and wildlife and recreation in and on the waters, that quality shall be maintained and protected, unless the Department finds that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the surface water is located.

§ 93.8b. Metals criteria.

Dissolved criteria are footnoted in Table 5, and have been developed by applying the most current EPA conversion factors to the total recoverable criteria. The EPA factors are listed in the following Conversion Factors Table.

Conversion Factors Table

	<i>Chronic</i>	<i>Acute</i>	<i>Source</i>
Arsenic	1.000 (As3+)	1.000 (As3+)	1,2
Cadmium	1.101672- (ln[H] × 0.041838)	1.136672- (ln[H] × 0.041838)	2
Chromium VI	0.962	0.982	1,2
Copper	0.960	0.960	1,2
Lead*		1.46203- (ln[H] × 0.145712)	
Mercury	0.85	0.85	1,2
Nickel	0.997	0.998	1,2
Selenium	0.922	0.922	1
Silver	NA	0.85	2
Zinc	0.986	0.978	1,2

* Conversion factor applies to both acute and chronic criteria.

Source 1—Final Water Quality Guidance for the Great Lakes System (60 FR 15366, March 23, 1995)

Source 2—Establishment of Numeric Criteria for Priority Pollutants; Revision of Metals Criteria-Interim Final Rule (60 FR 22229, May 4, 1995)

§ 93.8c. Human health and aquatic life criteria for toxic substances.

(a) Table 5 and Chapter 16, Appendix A, Table 1A (relating to site-specific water quality criteria for toxic substances) list the aquatic life and human health criteria for toxic substances which the Department uses in development of effluent limitations in NPDES Permits and for other purposes. The human health criteria, which include probable modes of exposure (such as, but not limited to ingestion from drinking water and fish consumption, inhalation and dermal absorption), are further defined as to the specific effect (that is, cancer or threshold health effects). For those aquatic life criteria which are hardness related and specified as a formula, such as several of the heavy metals, the Department will use the specific hardness of the receiving stream after mixing with the waste discharge in calculating criteria on a case-by-case basis. The priority pollutant numbers (PP NO) used by the EPA to identify priority pollutants are included in Table 5 for reference purposes. The toxics without a PP NO are nonpriority pollutants or State-derived criteria.

(b) Some of these criteria may be superseded for the Delaware Estuary, Ohio River Basin, Lake Erie Basin, and Genesee River Basin under interstate and international compact agreements with the Delaware River Basin Commission, Ohio River Valley Sanitation Commission and International Joint Commission, respectively. The criteria in Table 5 do not apply to the Great Lakes System. Water quality criteria for the Great Lakes System are contained in § 93.8e (relating to special criteria for the Great Lakes System) and Table 6 (relating to Great Lakes Aquatic Life and Human Health Criteria). Criteria may be developed for the Great Lakes System for substances other than those listed in § 93.8e under the methodologies in § 16.61 (relating to special provisions for the Great Lakes system).

TABLE 5
WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

		<i>Fish and Aquatic Life Criteria</i>			<i>Human Health Criteria</i>	
<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (ug/L)</i>	<i>Criteria Maximum Concentration (ug/L)</i>	<i>(ug/L)</i>	
1M	ANTIMONY	07440360	220	1100	5.6	H
2M	ARSENIC	07440382	150 (As3+)	340 (As3+)	10	H
3M	BERYLLIUM	07440417	N/A	N/A	N/A	-
4M	CADMIUM	07440439	$\{1.101672 - (\ln[H] \times 0.041838)\} \times \text{Exp}(0.7409 \times \ln[H] - 4.719)$ (ex: @H=100, CCC=0.25)	$\{1.136672 - (\ln[H] \times 0.041838)\} \times \text{Exp}(1.0166 \times \ln[H] - 3.924)$ (ex: @H=100, CMC=2.0)	N/A	-
5M	CHROMIUM III	16065831	$0.860 \times \text{Exp}(0.819 \times \ln[H] + 0.6848)$ (ex: @H=100, CCC=74)	$0.316 \text{Exp}(0.819 \times \ln[H] + 3.7256)$ (ex: @H=100, CMC=570)	N/A	-
5M	CHROMIUM VI	18540299	*10	*16	N/A	-
6M	COPPER	07440508	$0.960 \times \text{Exp}(0.8545 \times \ln[H] - 1.702)$ (ex: @H=100, CCC=9.0)	$0.960 \times \text{Exp}(0.9422 \times \ln[H] - 1.700)$ (ex: @H=100, CMC=13)	N/A	-
7M	LEAD	07439921	$\{1.46203 - (\ln[H] \times 0.145712)\} \times \text{Exp}(1.273 \times \ln[H] - 4.705)$ (ex: @H=100, CCC=2.5)	$\{1.46203 - (\ln[H] \times 0.145712)\} \times \text{Exp}(1.273 \times \ln[H] - 1.460)$ (ex: @H=100, CMC=65)	N/A	-
8M	MERCURY	07439976	*0.77 (Hg2+)	*1.4 (Hg2+)	0.05	H
9M	NICKEL	07440020	$0.997 \times \text{Exp}(0.846 \times \ln[H] + 0.0584)$ (ex: @H=100, CCC=52)	$0.998 \times \text{Exp}(0.846 \times \ln[H] + 2.255)$ (ex: @H=100, CMC=470)	610	H
10M	SELENIUM	07782492	*4.6	N/A	N/A	-
11M	SILVER	07440224	N/A	$0.850 \times \text{Exp}(1.72 \times \ln[H] - 6.590)$ (ex: @H=100, CMC=3.2)	N/A	-
12M	THALLIUM	07440280	13	65	0.24	H
13M	ZINC	07440666	$0.986 \times \text{Exp}(0.8473 \times \ln[H] + 0.884)$ (ex: @H=100, CCC=120)	$0.978 \times \text{Exp}(0.8473 \times \ln[H] + 0.884)$ (ex: @H=100, CMC=120)	N/A	-
14M	CYANIDE, FREE	00057125	5.2	22	140	H
1A	2-CHLOROPHENOL	00095578	110	560	81	H
2A	2,4-DICHLORO-PHENOL	00120832	340	1700	77	H
3A	2,4-DIMETHYL-PHENOL	00105679	130	660	380	H
4A	4,6-DINITRO-o-CRESOL	00534521	16	80	13	H
5A	2,4-DINITRO-PHENOL	00051285	130	660	69	H
6A	2-NITROPHENOL	00088755	1600	8000	N/A	-
7A	4-NITROPHENOL	00100027	470	2300	N/A	-
8A	P-CHLORO-m-CRESOL	00059507	30	160	N/A	-
9A	PENTACHLORO-PHENOL	00087865	$\text{Exp}(1.005 \times [\text{pH}] - 5.134)$ @pH= 6.5 7.8 9.0 Crit= 4.1 15 50	$\text{Exp}(1.005 \times [\text{pH}] - 4.869)$ @pH= 6.5 7.8 9.0 Crit= 5.3 19 65	0.27	CRL
10A	PHENOL	00108952	N/A	N/A	21000	H

Fish and Aquatic Life Criteria

Human
Health
Criteria
(ug/L)

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RULES AND REGULATIONS

PP NO	Chemical Name	CAS Number	Criteria Continuous Concentrations (ug/L)	Criteria Maximum Concentration (ug/L)	Human Health Criteria (ug/L)	
11A	2,4,6-TRICHLOROPHENOL	00088062	91	460	1.4	CRL
1V	ACROLEIN	00107028	1	5	190	H
2V	ACRYLONITRILE	00107131	130	650	0.051	CRL
3V	BENZENE	00071432	130	640	1.2	CRL
5V	BROMOFORM	00075252	370	1800	4.3	CRL
6V	CARBON TETRACHLORIDE	00056235	560	2800	0.23	CRL
7V	CHLORO-BENZENE	00108907	240	1200	130	H
8V	CHLORODIBRO- MO-METHANE	00124481	N/A	N/A	0.40	CRL
9V	CHLOROETHANE	00075003	N/A	N/A	N/A	-
10V	2-CHLOROETHYL VINYL ETHER	00110758	3500	18000	N/A	-
11V	CHLOROFORM	00067663	390	1900	5.7	CRL
12V	DICHLOROBROMO- METHANE	00075274	N/A	N/A	0.55	CRL
14V	1,1-DICHLORO-ETHANE	00075343	N/A	N/A	N/A	-
15V	1,2-DICHLORO-ETHANE	00107062	3100	15000	0.38	CRL
16V	1,1-DICHLORO-ETHYLENE	00075354	1500	7500	33.0	H
17V	1,2-DICHLORO-PROPANE	00078875	2200	11000	N/A	-
18V	1,3-DICHLORO-PROPYLENE	00542756	61	310	0.34	CRL
19V	ETHYLBENZENE	00100414	580	2900	530	H
20V	METHYL BROMIDE	00074839	110	550	47	H
21V	METHYL CHLORIDE	0074873	5500	28000	N/A	-
22V	METHYLENE CHLORIDE	00075092	2400	12000	4.6	CRL
23V	1,1,2,2-TETRA- CHLOROETHANE	00079345	210	1000	0.17	CRL
24V	TETRACHLORO-ETHYLENE	00127184	140	700	0.69	CRL
25V	TOLUENE	00108883	330	1700	1300	H
26V	1,2-trans-DICHLORO- ETHYLENE	00156605	1400	6800	140	H
27V	1,1,1-TRICHLORO-ETHANE	00071556	610	3000	N/A	-
28V	1,1,2-TRICHLORO-ETHANE	00079005	680	3400	0.59	CRL
29V	TRICHLORO-ETHYLENE	00079016	450	2300	2.5	CRL
31V	VINYL CHLORIDE	00075014	N/A	N/A	0.025	CRL
1B	ACENAPHTHENE	00083329	17	83	670	H
2B	ACENAPHTHYLENE	00208968	N/A	N/A	N/A	-

*Fish and Aquatic Life Criteria**Human Health Criteria (ug/L)*

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (ug/L)</i>	<i>Criteria Maximum Concentration (ug/L)</i>		
3B	ANTHRACENE	00120127	N/A	N/A	8300	H
4B	BENZIDINE	00092875	59	300	0.000086	CRL
5B	BENZO(a)-ANTHRACENE	00056553	0.1	0.5	0.0038	CRL
6B	BENZO(a)PYRENE	00050328	N/A	N/A	0.0038	CRL
7B	3,4-BENZO-FLUORANTHENE	00205992	N/A	N/A	0.0038	CRL
8B	BENZO(ghi)-PERYLENE	00191242	N/A	N/A	N/A	-
9B	BENZO(k)-FLUORANTHENE	00207089	N/A	N/A	0.0038	CRL
10B	BIS(2-CHLORO-ETHOXY)METHANE	00111911	N/A	N/A	N/A	-
11B	BIS(2-CHLORO-ETHYL)ETHER	00111444	6000	30000	0.030	CRL
12B	BIS(2-CHLORO-ISOPROPYL)ETHER	00108601	N/A	N/A	1400	H
13B	BIS(2-ETHYL-HEXYL)PHTHALATE	00117817	910	4500	1.2	CRL
14B	4-BROMOPHENYL PHENYL ETHER	00101553	54	270	N/A	-
15B	BUTYLBENZYL PHTHALATE	00085687	35	140	150	H
16B	2-CHLORO-NAPHTHALENE	00091587	N/A	N/A	1000	H
17B	4-CHLORO-PHENYL PHENYL ETHER	07005723	N/A	N/A	N/A	-
18B	CHRYSENE	00218019	N/A	N/A	0.0038	CRL
19B	DIBENZO(a,h)-ANTHRACENE	00053703	N/A	N/A	0.0038	CRL
20B	1,2-DICHLORO-BENZENE	00095501	160	820	420 for dichloro-benzene	H
21B	1,3-DICHLORO-BENZENE	00541731	69	350	See 20B	H
22B	1,4-DICHLORO-BENZENE	00106467	150	730	See 20B	H
23B	3,3-DICHLORO-BENZIDINE	00091941	N/A	N/A	0.021	CRL
24B	DIETHYL PHTHALATE	00084662	800	4000	17000	H
25B	DIMETHYL PHTHALATE	00131113	500	2500	270000	H
26B	DI-N-BUTYL PHTHALATE	00084742	21	110	2000	H
27B	2,4-DINITRO-TOLUENE	00121142	320	1600	0.05 for dinitro-toluene	CRL
28B	2,6-DINITRO-TOLUENE	00606202	200	990	See 27B	CRL
29B	DI-N-OCTYL PHTHALATE	00117840	N/A	N/A	N/A	-
30B	1,2-DIPHENYL-HYDRAZINE	00122667	3	15	0.036	CRL

PP NO	Chemical Name	CAS Number	Fish and Aquatic Life Criteria		Human Health Criteria (ug/L)	
			Criteria Continuous Concentrations (ug/L)	Criteria Maximum Concentration (ug/L)		
31B	FLUORANTHENE	00206440	40	200	130	H
32B	FLUORENE	00086737	N/A	N/A	1100	H
33B	HEXACHLORO-BENZENE	00118741	N/A	N/A	0.00028	CRL
34B	HEXACHLORO-BUTADIENE	00087683	2	10	0.44	CRL
35B	HEXACHLORO- CYCLOPENTADIENE	00077474	1	5	40	H
36B	HEXACHLORO-ETHANE	00067721	12	60	1.4	CRL
37B	INDENO(1,2,3-cd)PYRENE	00193395	N/A	N/A	0.0038	CRL
38B	ISOPHORONE	00078591	2100	10000	35	H
39B	NAPHTHALENE	00091203	43	140	N/A	-
40B	NITROBENZENE	00098953	810	4000	17	H
41B	N-NITROSO- DIMETHYLAMINE	00062759	3400	17000	0.00069	CRL
42B	N-NITROSODI-N- PROPYLAMINE	00621647	N/A	N/A	0.005	CRL
43B	N-NITROSO- DIPHENYLAMINE	00086306	59	300	3.3	CRL
44B	PHENANTHRENE	00085018	1	5	N/A	-
45B	PYRENE	00129000	N/A	N/A	830	H
46B	1,2,4-TRICHLORO-BENZENE	00120821	26	130	35	H
1P	ALDRIN	00309002	0.1	3	0.000049	CRL
2P	alpha-BHC	00319846	N/A	N/A	0.0026	CRL
3P	beta-BHC	00319857	N/A	N/A	0.0091	CRL
4P	gamma-BHC (LINDANE)	00058899	N/A	0.95	0.098	H
5P	delta-BHC	00319868	N/A	N/A	N/A	-
6P	CHLORDANE	00057749	0.0043	2.4	0.00080	CRL
7P	4,4-DDT	00050293	0.001	1.1	0.00022	CRL
8P	4,4-DDE	00072559	0.001	1.1	0.00022	CRL
9P	4,4-DDD	00072548	0.001	1.1	0.00031	CRL
10P	DIELDRIN	00060571	0.056	0.24	0.000052	CRL
11P	alpha-ENDOSUL-FAN	00959988	0.056	0.22	62 for endosulfan	H
12P	beta-ENDOSULFAN	33213659	0.056	0.22	See 11P	H
13P	ENDOSULFAN SULFATE	01031078	N/A	N/A	N/A	-
14P	ENDRIN	00072208	0.036	0.086	0.059	H
15P	ENDRIN ALDEHYDE	07421934	N/A	N/A	0.29	H

			<i>Fish and Aquatic Life Criteria</i>		<i>Human Health Criteria (ug/L)</i>	
<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (ug/L)</i>	<i>Criteria Maximum Concentration (ug/L)</i>		
16P	HEPTACHLOR	00076448	0.0038	0.52	0.000079	CRL
17P	HEPTACHLOR EPOXIDE	01024573	0.0038	0.5	0.000039	CRL
18P	PCB		0.014	N/A	0.000064 for PCBs	CRL
25P	TOXAPHENE	08001352	0.0002	0.73	0.00028	CRL
PP	2,3,7,8-TCDD	01746016	N/A	N/A	5.0 E-9	CRL
—	ACETONE	00067641	86000	450000	3500	H
—	ALUMINUM	07429905	N/A	750	N/A	-
—	BARIUM	07440393	4100	21000	2400	H
—	BORON	07440428	1600	8100	3100	H
—	COBALT	07440484	19	95	N/A	-
—	p-CRESOL	00106445	160	800	N/A	-
—	DIAZINON	333415	0.17	0.17	N/A	-
—	FORMALDEHYDE	00050000	440	2200	700	H
—	2-HEXANONE	00591786	4300	21000	N/A	-
—	LITHIUM	07439932	N/A	N/A	N/A	-
—	METHYLETHYL KETONE	00078933	32000	230000	21000	H
—	METHYLISO-BUTYL KETONE	00108101	5000	26000	N/A	-
—	METOLACHLOR	51218452	NA	NA	69	H
—	1-PROPANOL	00071238	46000	230000	N/A	-
—	2-PROPANOL	00067630	89000	440000	N/A	-
—	1,2,3-TRICHLORO-PROPANE	00096184	N/A	N/A	210	H
—	VANADIUM	07440622	100	510	N/A	-
—	XYLENE	01330207	210	1100	70000	H

Acronyms and Footnotes to Table 5

* Indicates dissolved metal criterion; others are total recoverable metals. Each listed dissolved criterion in Table 5 is equal to the corresponding total recoverable criterion before rounding (from the EPA National Ambient Water Quality Criteria Documents) multiplied by the conversion factor (from the Conversion Factors Table); a criterion that is expressed as a hardness (H)-based equation is shown in Table 5 as the conversion factor (listed) multiplied by the hardness criterion equation; an example criterion at hardness=100mg/L is included.

CAS—Chemical Abstract Service number

CRL—Cancer risk level at 1×10^{-6}

H—Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.

ln [H]—Natural Logarithm of the Hardness of stream as mg/l CaCO_3

ug/L—Micrograms per liter

N/A—Criterion not developed

PP NO—Priority Pollutant Number

§ 93.8d. Development of site-specific water quality criteria.

(a) The Department will consider a request for site-specific criteria when one or more of the following apply:

(1) There exist site-specific biological or chemical conditions of receiving waters which differ from conditions upon which the water quality criteria were based.

(2) More stringent criteria are needed for a parameter listed in § 93.7 (relating to specific water quality criteria) to protect more sensitive, intervening uses.

(3) There exists a need for a site-specific criterion for a substance not listed in § 93.8c, Table 5 (relating to water quality criteria for toxic substances).

(b) The request for site-specific criteria must include the results of scientific studies for the purpose of:

(1) Defining the areal boundaries for application of the site-specific criteria which will include the potentially affected wastewater dischargers identified by the Department, through various means, including, but not limited to, the total maximum daily load (TMDL) process described in Chapter 96 (relating to water quality standards implementation) or biological assessments.

(2) Developing site-specific criteria which protect the surface water's existing and designated uses.

(c) Scientific studies shall be performed in accordance with the procedures and guidance in the Water Quality Standards Handbook (EPA 1994), as amended and updated, including: "Guidance on the Determination and Use of Water-Effect Ratios for Metals" (February 1994); and the "Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health" (2000). Other guidance approved by the Department, which is based on other EPA-approved or scientifically defensible methodologies, may be used.

(d) Prior to conducting studies specified in subsections (b) and (c), a proposed plan of study shall be submitted to the Department for review, consideration and approval.

(e) Signed copies of all reports including toxicity test data shall be submitted to the Department within 60 days of completion of the tests.

(f) If the Department determines that site-specific criteria are appropriate in accordance with subsection (a), the Department will do the following:

(1) Publish the site-specific criterion in the *Pennsylvania Bulletin*, along with other special conditions under § 92.61(a)(5) (relating to public notice of permit application; and public hearing) and provide for public participation and public hearing in accordance with § 92.61 and §§ 92.63 and 92.65 (relating to public access to information; and notice to other government agencies).

(2) Maintain publicly available lists of site-specific criteria.

(3) Submit the methodologies used for site-specific criteria development to the EPA's Regional Administrator for review and approval, within 30 days of Department's final action.

(4) Prepare a recommendation to the EQB in the form of proposed rulemaking, incorporating that criterion for the water body segment.

(g) If the Department determines that new Statewide criteria or modifications to Statewide criteria are appropriate, the Department will prepare a recommendation to the EQB in the form of proposed rulemaking, incorporating the criteria into this chapter. The new criteria and changes to the criteria will become effective following adoption by the EQB as final rulemaking and publication in the *Pennsylvania Bulletin*.

(h) A person challenging a Department action under this section shall have the burden of proof to demonstrate that the Department's action does not meet the requirements of this section.

§ 93.8e. Special criteria for the Great Lakes System.

(a) *Special criteria.* The special provisions in this section apply for the Great Lakes System, which includes the streams, rivers, lakes and other bodies of surface water within the drainage basin of the Great Lakes in this Commonwealth.

(b) *Water quality criteria for the Great Lakes System.* Human health and aquatic life criteria for the Great Lakes System are contained in Table 6 (relating to Great Lakes aquatic life and human health criteria). For any pollutant not listed in the table, criteria to protect existing and designated uses will be developed by the Department, as needed in accordance with this chapter and § 16.61 (relating to special provisions for the Great Lakes System).

TABLE 6
GREAT LAKES AQUATIC LIFE AND HUMAN HEALTH CRITERIA

Fish and Aquatic Life Criteria

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (ug/L)</i>	<i>Criteria Maximum Concentration (ug/L)</i>	<i>Human Health Criteria (ug/L)</i>	
2M	Arsenic	07440382	*148 (As3+)	*340 (As3+)	N/A	-
4M	Cadmium	07440439	*{1.101672-(ln[H]×0.041838)}× Exp(0.7852×ln[H]-2.715) (ex: @H=100, CCC=2.24)	*{1.136672-(ln[H]×0.041838)}× Exp(1.128×ln[H]-3.6867) (ex: @H=100, CMC=4.26)	N/A	-
5M	Chromium, III	16065831	*0.860×Exp(0.819×ln[H]+0.6848) (ex: @H=100, CCC=74)	*0.316×Exp(0.819×ln[H]+3.7256) (ex: @H=100, CMC=570)	N/A	-
5M	Chromium, VI	18540299	*10.56	*15.73	N/A	-
6M	Copper	07440508	*0.960×Exp(0.8545×ln[H]-1.702) (ex: @H=100, CCC=8.96)	*(0.960×Exp(0.9422×ln[H]-1.700) (ex: @H=100, CMC=13.44)	N/A	
8M	Mercury	07439976	*0.77	*1.44	0.0031	H
9M	Nickel	07440020	*0.997×Exp(0.846×ln[H]+0.0584 (ex: @H=100, CCC=52.01)	*[0.998×Exp(0.846×ln[H]+2.255) (ex: @H=100, CMC=468.24)	N/A	H
10M	Selenium	07782492	*4.61	N/A	N/A	-
13M	Zinc	07440666	*0.986×Exp(0.8473×ln[H]+0.884) (ex: @H=100, CCC=118.14)	*0.978×Exp(0.8473×ln[H]+0.884) (ex: @H=100, CMC=117.18)	N/A	
14M	Cyanide, Free	00057125	5.2	22	600	H
3A	2,4-Dimethyl-phenol	00105679	N/A	N/A	450	H
5A	2,4-Dinitro-phenol	00051285	N/A	N/A	55	H
9A	Pentachlorophenol	00087865	Exp(1.005[pH]-5.134) @pH= 6.5 7.8 9.0 Crit = 4.05 14.95 49.95	Exp (1.005[pH]-4.869) @pH = 6.5 7.8 9.0 Crit = 5.28 19.49 65.10	N/A	-
3V	Benzene	00071432	N/A	N/A	1.2	CRL
7V	Chloro-benzene	00108907	N/A	N/A	470	H
22V	Methylene Chloride	00075092	N/A	N/A	4.7	CRL
25V	Toluene	00108883	N/A	N/A	5600	H
29V	Trichloro-ethylene	00079016	N/A	N/A	2.9	CRL
33B	Hexachloro-benzene	00118741	N/A	N/A	0.000045	CRL
36B	Hexachloro-ethane	00067721	N/A	N/A	0.53	CRL
4P	gamma-BHC (Lindane)	00058899	N/A	0.95	0.47	H
6P	Chlordane	00057749	N/A	N/A	0.000025	CRL
7P	4,4-DDT	00050293	N/A	N/A	0.000015	CRL
10P	Dieldrin	00060571	0.056	0.24	0.00000065	CRL
14P	Endrin	00072208	0.036	0.086	N/A	-
18P	PCBs		N/A	N/A	0.00000039	CRL
25P	Toxaphene	08001352	N/A	N/A	0.0000068	CRL
PP	2,3,7,8-TCDD	01746016	N/A	N/A	8.6 E-10	CRL
—	Parathion	00056382	0.013	0.065	N/A	-

Acronyms and Footnotes to Table 6

* Indicates dissolved metal criterion; others are total recoverable metals. Each listed dissolved criterion in Table 6 is equal to the corresponding total recoverable criterion before rounding (from the EPA National Ambient Water Quality Criteria Documents) multiplied by the conversion factor (from the Conversion Factors Table); a criterion that is expressed as a hardness (H)-based equation is shown in Table 6 as the conversion factor (listed) multiplied by the hardness criterion equation; an example criterion at hardness=100mg/L is included.

CAS—Chemical Abstract Service number

CRL—Cancer risk level at 1×10^{-6}

H—Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.

ln [H]—Natural Logarithm of the Hardness of stream as mg/l CaCO_3

ug/L—Micrograms per liter

N/A—Criterion not developed

PP NO—Priority Pollutant Number

(c) *Wildlife criteria.* Wildlife criteria will be developed for the bioaccumulative chemicals of concern (BCCs) in the Great Lakes System using methodologies contained in the Great Lakes guidance in 40 CFR Part 132, Appendix D (relating to Great Lakes Water Quality Initiative methodology for the development of wildlife criteria). The wildlife criteria are contained in the following table:

GREAT LAKES WILDLIFE CRITERIA

TABLE 7

PP NO	Chemical Name	Criterion (ug/L)
7-9P	DDT & METABOLITES	0.000011
8M	MERCURY	0.0013
18-24P	PCBs (TOTAL)	0.00012
PP	2,3,7,8-TCDD	3.1 E-9

DESIGNATED WATER USES AND WATER QUALITY CRITERIA

§ 93.9. Designated water uses and water quality criteria.

(a) The tables in §§ 93.9a—93.9z display designated water uses and water quality criteria in addition to the water uses and criteria specified in Tables 2 and 3. Designated uses shall be protected in accordance with Chapters 95 and 96 (relating to wastewater treatment requirements; and water quality standards implementation) and any other applicable State and Federal laws and regulations. The tables also indicate specific exceptions to Tables 2 and 3 on a stream-by-stream or segment-by-segment basis by the words “add” or “delete” followed by the appropriate symbols described elsewhere in this chapter. The county column in §§ 93.9a—93.9z indicates the county in which the mouth of the stream or the downstream limit of the zone described for that entry is located. Abbreviations used in the Stream and the “Zone” columns are as follows:

* * * * *

(b) When appropriate, “Exceptions to Specific Criteria” provide reference to the Delaware River Basin Commission (DRBC) water quality regulations, Orsanco (Ohio River Valley Water Sanitation Commission) pollution control standards and the Great Lakes Water Quality Agreement (GLWQA) which specify the criteria that apply if a water quality standard is more stringent than those in this title. The applicable criteria can be obtained from the following:

* * * * *

(*Editor's note:* A basin-wide migratory fishes (MF) designation is being applied to Drainage Lists A—O and Z, unless there are specific exceptions already noted for certain waterbodies or stream segments within one of these drainage lists. These specific changes to the drainage lists, however, are not reflected in this Annex, but will be added to the regulations upon codification in Chapter 93. Drainage lists A—G are located within the Delaware River Basin. Drainage lists H—O are located within the Susquehanna River Basin. Drainage list Z is located within the Potomac River Basin.)

* * * * *

§ 93.9d. Drainage List D.

Delaware River Basin in Pennsylvania *Lehigh River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
3—Penn Springs	Basin	Carbon	HQ-CWF, MF	None
3—Black Creek				
4—Hazle Creek	Basin	Carbon	HQ-CWF, MF	None
4—Beaver Creek	Basin	Carbon	CWF, MF	None
3—Black Creek	Main Stem, Confluence of Hazle Creek and Beaver Creek to Mouth	Carbon	CWF, MF	None
4—UNTs to Black Creek	Basins, Confluence of Hazle Creek and Beaver Creek to Mouth	Carbon	HQ-CWF, MF	None
4—Koons Creek	Basin	Carbon	HQ-CWF, MF	None
4—Quakake Creek	Basin, Source to Wetzel Creek	Carbon	HQ-CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
5—Wetzel Creek	Basin	Carbon	CWF, MF	None
4—Quakake Creek	Basin, Wetzel Creek to Mouth	Carbon	CWF, MF	None
4—Brushy Hollow Run	Basin	Carbon	HQ-CWF, MF	None
3—Maple Hollow	Basin	Carbon	HQ-CWF, MF	None
* * * * *				

§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania
Schuylkill River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
* * * * *				
3—Monocacy Creek	Basin	Berks	WWF, MF	None
3—UNTs to Schuylkill River	Basins, (all UNT's along Montgomery County shore), Berks-Chester-Montgomery County Border to Valley Creek	Montgomery	WWF, MF	None
3—UNTs to Schuylkill River	Basins (all UNTs along Chester County shore except those in Spring City and Phoenixville), Berks-Chester-Montgomery County Border to Valley Creek	Chester	HQ-TSF, MF	None
3—UNTs to Schuylkill River	Basins, in Spring City and Phoenixville	Chester	WWF, MF	None
* * * * *				
3—Valley Creek	Basin	Montgomery- Chester	EV, MF	None
3—UNTs to Schuylkill River	Basins, Valley Creek to Head of Tide	Philadelphia	WWF, MF	None
3—Trout Creek	Basin	Montgomery	WWF, MF	None
* * * * *				

§ 93.9i. Drainage List I.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
* * * * *				
2—Mehoopany Creek	Basin, Source to North Branch Mehoopany Creek	Wyoming	HQ-CWF, MF	None
3—North Branch Mehoopany Creek	Basin	Wyoming	CWF, MF	None
2—Mehoopany Creek	Basin, North Branch Mehoopany Creek to Mouth	Wyoming	CWF, MF	None
2—Taques Creek	Basin	Wyoming	CWF, MF	None
2—Tunkhannock Creek	Main Stem, Source to Susquehanna-Wyoming County Border	Susquehanna- Wyoming	CWF, MF	None
3—UNTs to Tunkhannock Creek	Basins, Source to Susquehanna-Wyoming County Border	Susquehanna	CWF, MF	None
3—Bear Swamp Creek	Basin	Susquehanna	CWF, MF	None
3—Bell Creek	Basin	Susquehanna	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Nine Partners Creek	Basin	Susquehanna	CWF, MF	None
3—Partners Creek	Basin	Susquehanna	CWF, MF	None

* * * * *

§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania
West Branch Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—UNT 21134	Basin, Source to Raughtown Creek	Lycoming	CWF, MF	None
5—Raughtown Creek				
6—Rockey Run	Basin	Clinton	HQ-CWF, MF	None
6—Gottshall Run	Basin	Clinton	HQ-CWF, MF	None
5—Raughtown Creek	Basin, Confluence of Rockey Run and Gottshall Run to Mouth	Lycoming	CWF, MF	None

* * * * *

§ 93.9m. Drainage List M.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Trout Run	Basin	Northumberland	CWF, MF	None
3—Bennys Run	Basin	Northumberland	CWF, MF	None
3—Millers Run	Basin	Northumberland	CWF, MF	None

* * * * *

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania
Allegheny River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Marsh Run	Basin	Crawford	CWF	None
4—Thompson Creek	Basin, Source to Shirley Run	Crawford	CWF	None
5—Shirley Run	Basin	Crawford	HQ-CWF	None
4—Thompson Creek	Basin, Shirley Run to Mouth	Crawford	CWF	None
5—Caldwell Creek	Basin, Source to West Branch Caldwell Creek	Warren	HQ-CWF	None
6—West Branch Caldwell Creek	Basin	Warren	EV	None
5—Caldwell Creek	Basin, West Branch Caldwell Creek to Mouth	Crawford	EV	None

* * * * *

§ 93.9v. Drainage List V.

**Ohio River Basin in Pennsylvania
Monongahela River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Bates Run	Basin	Fayette	WWF	None
3—Tenmile Creek	Basin, Source to South Fork Tenmile Creek	Greene- Washington	TSF	None
4—South Fork Tenmile Creek	Basin, Source to Browns Creek	Greene	HQ-WWF	None
5—Browns Creek	Basin	Greene	HQ-WWF	None
4—South Fork Tenmile Creek	Basin, Browns Creek to Mouth	Greene- Washington	WWF	None
3—Tenmile Creek	Basin, South Fork Tenmile Creek to Mouth	Greene- Washington- Fayette	WWF	None
		* * * * *		

§ 93.9x. Drainage List X.

Lake Erie

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Lake Erie	All sections of lake in PA except Outer Erie Harbor and Presque Isle Bay	Erie	CWF	Delete Fe, DO1 and Bac1 See GLWQA Add E. coli per 40 CFR 131.41 (Except (f)) and See 28 Pa. Code § 18.28(b)(2) and (3)
1—Lake Erie (Outer Erie Harbor and Presque Isle Bay)	Portion of lake bordered by Presque Isle on west, longitude 80° 10' 18" on north, except harbor area and central channel dredged and maintained by United States Army Corps of Engineers.	Erie	WWF	Delete pH Add pH between 7 and 9 Add E. coli per 40 CFR 131.41 (Except (f)) and See 28 Pa. Code § 18.28(b)(2) and (3)

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Lake Erie (Outer Erie Harbor and Presque Isle Bay)	Harbor area and central channel dredged and maintained by United States Army Corps of Engineers	Erie	WWF, <i>Delete</i> WC	<i>Delete</i> pH and Bac1 <i>Add</i> pH between 7 and 9, Bac2

* * * * *

[Pa.B. Doc. No. 09-916. Filed for public inspection May 15, 2009, 9:00 a.m.]

STATEMENTS OF POLICY

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 16]

Water Quality Toxics Management Strategy—Statement of Policy

The Department of Environmental Protection (Department) is amending Chapter 16 (relating to water quality toxics management—statement of policy). These amendments complement the triennial review and revision of Chapter 93 (relating to water quality standards). See 39 Pa.B. 2523 (May 16, 2009) for the text of the final-form rulemaking.

A. *Effective Date*

These amendments will be effective upon publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information contact Richard H. Shertzer, Chief, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department's web site (<http://www.depweb.state.pa.us>).

C. *Statutory Authority*

These amendments are made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement provisions of The Clean Streams Law and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and the Federal regulations in 40 CFR 131.32 (relating to Pennsylvania) set forth certain requirements for portions of the Commonwealth's antidegradation program and the Federal regulation in 40 CFR 131.41 (relating to bacteriological criteria for those states not complying with Clean Water Act section 303(i)(1)(A)) sets forth bacteria criteria for coastal recreation waters in the Commonwealth.

D. *Background and Summary*

The Commonwealth's water quality standards in Chapters 16 and 93 implement the provisions of section 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act. Water quality standards consist of the uses of the surface waters of this Commonwealth, the specific numeric and narrative criteria necessary to achieve and maintain those uses and antidegradation regulations. Chapter 16 is a water quality policy for managing toxic pollutants. It sets forth the guidelines for

development of criteria for toxic substances, and lists the water quality criteria and analytical methods and detection limits for toxic substances. Chapter 16 is directly referenced as a support policy document in § 93.8a (relating to water quality criteria for toxic substances).

The revisions to Chapter 16 will consolidate the location of water quality criteria by incorporating the updated criteria into Chapter 93 water quality standards, streamline and clarify requirements, update the policy to be consistent with Federal requirements and preserve Pennsylvania-specific requirements to serve the citizens of this Commonwealth. This statement of policy may affect persons who discharge wastewater into surface waters of this Commonwealth, or otherwise conduct activities, which may impact the waters.

The Department's Water Resources Advisory Committee (WRAC) was briefed on the proposed amendments at its May 10, 2006, October 13, 2006, and May 9, 2007, meetings. In addition, the Department presented the proposed amendments to the Agricultural Advisory Board on August 22, 2007.

The proposed amendments were shared with the Environmental Quality Board (EQB) as a companion to the triennial review of water quality standards rulemaking at its October 16, 2007, meeting, although the EQB is not required to act on the revisions to the Department's Statement of Policy for toxic substances. The proposed amendments were published at 38 Pa.B. 258 (January 12, 2008) with provision for a 45-day public comment period, which closed on February 26, 2008. Comments were received from two commentators as a result of the public comment period and the public meetings. The Department considered all the public comments received on its proposal in preparing for the final amendments to the statement of policy. The draft final amendment was discussed with and approved by WRAC on July 22, 2008. The comments received on the proposed amendments are summarized in Section E.

E. *Summary of Responses to Comments and Changes to the Proposed Amendment*

A total of three comments were received concerning the proposed amendments. Changes were made to §§ 16.11, 16.32, 16.33 and 16.51(a) based on the comments received.

In §§ 16.11, 16.32 and 16.33 (relating to toxic substances; threshold level toxic effects; and nonthreshold effects (cancer)), the Department is adding citations to clarify that the Environmental Protection Agency (EPA) has added new methodologies for the development of human health criteria. This section mentions the *National Recommended Water Quality Criteria: 2002*. The EPA suggested that the structure of the sentence could imply that this document is guidance for developing criteria, whereas it actually housed the EPA's specific criteria recommendations. The EPA recommended the sentence be modified to read: "The EPA has updated the criteria or issued new criteria since 1980 based on new data, and more recently, new methodologies for developing human health criteria as summarized in the *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (EPA-822-B-00-004, October 2000). The EPA's current criteria recommendations can be found in the *National Recommended Water Quality Criteria* (EPA-822-H-04-001, 2004), as amended and updated."

The Department has modified the sentences pertaining to the referenced documents as suggested by the EPA.

In § 16.32(b), it was noted that the EPA now recommends the use of bioaccumulation factors (BAFs) in the 2000 *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health*, although until BAFs can be developed, the EPA continues to accept the use of bioconcentration factors (BCFs). The Department intends to follow these recommendations regarding BAFs and BCFs.

It was requested that the Department clarify what will be included in Appendix A, Table 1A. In § 16.51(a) (relating to human health and aquatic life criteria) it is stated that this Appendix will list site-specific human health and aquatic life criteria that have been developed or reviewed and approved by the Department. The Summary of Amendments for Chapter 16 indicates that "site-specific criteria that are developed or approved by the Department will be housed in Appendix A, Table 1A until a time that there is an opportunity for a final rulemaking by the Board that incorporates the criteria into Chapter 93, Table 5." Since the contents of Table 1 have been relocated to § 93.8c, the former Table 1 is now reserved, and a new Table 1A is being created to house Site-Specific criteria for toxic substances. The Department has provided additional clarification in Chapter 16, as well as Chapter 93, that the site-specific criteria in Appendix A, Table 1A will be incorporated into the appropriate portion of §§ 93.9a–93.3z that relates to "Exceptions to Specific Criteria" unless, during rulemaking, it is determined that the same criterion has general Statewide applicability, whereas at that time it will be included into Table 5 in Chapter 93.

Changes to proposed amendments for Chapter 16

A detailed description of the comments and revisions to the Chapter 16 proposal follows:

§§ 16.11, 16.32 and 16.33.

In §§ 16.11, 16.32 and 16.33 (relating to toxic substances; threshold level toxic effects; and nonthreshold effects (cancer)), the Department has modified the sentences pertaining to the referenced documents as suggested by the EPA, which will read as follows:

"The EPA has updated the criteria or issued new criteria since 1980 based upon new data, and more recently, new methodologies for developing human health criteria as summarized in the *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (EPA-822-B-00-004, October 2000). The EPA's current criteria recommendations can be found in the National Recommended Water Quality Criteria (EPA-822-H-04-001, 2004), as amended and updated."

§ 16.51(b).

The reference to Appendix A, Table 1A in § 16.51(b) will not be added as originally proposed because it is not applicable to a natural quality determination.

§ 16.102 General, Appendix A, Table 1A.

It was requested that the Department clarify what will be included in Appendix A, Table 1A. The Summary of Amendments for Chapter 16 indicates that, "site-specific criteria that are developed or approved by the Department will be housed in Appendix A, Table 1A until a time that there is an opportunity for a final rulemaking by the Board that incorporates the criteria into Chapter 93, Table 5."

The Department has added the following language to the introduction to the table, "A criterion placed in this table will remain a site-specific criterion as originally developed and be incorporated into the appropriate portion of §§ 93.9a–93.3z that relates to 'Exceptions to Specific Criteria' unless, during rulemaking, it is determined that the same criterion has general statewide applicability."

The Department has prepared a Comment and Response document for the proposed amendments. Copies are available from the Division of Water Quality Standards at the address in Section B.

JOHN HANGER,
Secretary

(Editor's Note: Title 25 of the *Pennsylvania Code* is amended by amending a statement of policy in §§ 16.1, 16.11, 16.22, 16.24, 16.32, 16.33, 16.41, 16.51, 16.61, 16.101 and by adding Table 1A in Appendix A to read as set forth in Annex A.)

(Editor's Note: For a regulation relating to this statement of policy, see 39 Pa.B. 2523 (May 16, 2009).

Fiscal Note: 7-512. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart A. PRELIMINARY PROVISIONS

ARTICLE II. STATEMENTS OF POLICY

CHAPTER 16. WATER QUALITY TOXICS MANAGEMENT STRATEGY—STATEMENT OF POLICY

Subchapter A. GUIDELINES FOR DEVELOPMENT OF CRITERIA FOR TOXIC SUBSTANCES AND WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

INTRODUCTION

§ 16.1. General.

Water quality criteria are the numeric concentrations, levels or surface water conditions that need to be maintained or attained to protect existing and designated uses. They are designed to protect the water uses listed in Chapter 93 (relating to water quality standards). The most sensitive of these protected uses are generally water supply, recreation and fish consumption, and aquatic life related. Therefore, criteria designed to protect these uses will normally protect the other uses listed in Chapter 93. This chapter specifies guidelines and procedures for development of criteria for toxic substances and also lists those site-specific criteria which have been developed.

DISCUSSION

§ 16.11. Toxic substances.

(a) These guidelines cover section 307(a) of The Federal Clean Water Act (33 U.S.C.A. § 1317(a)) priority pollutants and other toxic substances which the Department determines to be of concern due to their verified or suspected presence in wastewater discharges. Priority pollutants are the primary focus of concern because the EPA has determined them to be the most commonly used, persistent and toxic substances in wastewater discharges. They include many heavy metals and solvents.

(b) In November 1980, the EPA published criteria for protection of human health and aquatic life for 104 of the 129 priority pollutants. (There are currently 126 priority pollutants since three have subsequently been deleted.) These criteria were developed in accordance with National guidelines summarized at 45 FR 79318 (1980). The EPA has updated the criteria or issued new criteria since 1980 based upon new data, and more recently, new methodologies for developing human health criteria as summarized in the Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (EPA-822-B-00-004, October 2000) and the *National Recommended Water Quality Criteria* (EPA-822-H-04-001, 2004), as amended and updated. The Department's procedures for establishing criteria for aquatic life and human health protection for priority pollutants, and other toxics of concern are discussed in this subchapter.

GUIDELINES FOR DEVELOPMENT OF AQUATIC LIFE CRITERIA

§ 16.22. Criteria development.

The Department will establish criteria for toxic substances to provide for protection of aquatic life in accordance with the following guidelines:

(1) For those toxics for which the EPA has developed criteria in accordance with the National guidelines as set forth in "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" (1985), as amended and updated, the Department will review and evaluate the criteria. If the Department determines that the criteria are adequate to protect indigenous aquatic communities in the State's waters, these criteria will serve as the basis for establishing total maximum daily loads (TMDLs) under Chapter 96 (relating to water quality standards implementation) or NPDES effluent limitations under Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance). If the Department determines that the EPA National criteria are inappropriate, the Department will adjust these criteria in accordance with National guidelines to reflect the levels required for protection of aquatic life in this Commonwealth's waters.

(2) For those toxics identified or expected in a discharge for which the EPA has not developed criteria, the Department will develop criteria using EPA approved National guidelines.

§ 16.24. Metals criteria.

(a) The criteria are established to control the toxic portion of a substance in the water column. Depending upon available data, aquatic life criteria for metals are expressed as either dissolved or total recoverable. As information develops, the chemical identifiers for the toxic portion may be added, changed or refined. The criteria form one of the bases for water quality-based effluent limitations, which are expressed as total recoverable metal.

(b) Chemical translators are used to convert dissolved criteria into effluent limitations which are required by Federal regulations to be expressed as total recoverable metal. The default chemical translator used by the Department is the reciprocal of the conversion factor (listed in the Conversion Factors Table located in § 93.8b (relating to metals criteria)) that was used to determine the dissolved criterion.

(c) NPDES dischargers may request alternate effluent limitations by using site-specific water quality character-

istics. This is accomplished by performing a site-specific chemical translator study for a dissolved criterion. A water effect ratio (WER) study may also be conducted, based on either total recoverable or dissolved criteria, depending on the form of the criterion.

(d) A WER is a factor that expresses the difference between the measures of the toxicity of a substance in laboratory water and the toxicity in site water. The WER provides a mechanism to account for that portion of a metal which is toxic under certain physical, chemical or biological conditions. At this time, WERs are applicable only to certain metals, which are listed by the EPA in "Guidance on the Determination and Use of Water-Effect Ratios for Metals" (February 1994), as amended and updated. Subject to Departmental approval of the testing and its results, the Department will use the WER to establish an alternate site-specific criterion.

(e) Chemical translator studies must be conducted in accordance with the EPA's interim final document, "The Metals Translator: A Guidance for calculating a total recoverable permit limit from a dissolved criterion" (June 1996), as amended and updated.

(f) Final reports on the studies shall be submitted to the Department within 60 days of completion. Upon approval of the study results, the Department will use the chemical translator or WER, or both, to determine revised effluent limitations.

GUIDELINES FOR DEVELOPMENT OF HUMAN HEALTH-BASED CRITERIA

§ 16.32. Threshold level toxic effects.

(a) A threshold effect is defined as an adverse impact that occurs in the exposed individual only after a physiological reserve is depleted. For these effects there exists a dose below which no adverse response will occur. Threshold toxic effects include most systemic effects and developmental toxicity, including teratogenicity. Developmental toxicity includes all adverse effects in developing offspring resulting from prenatal exposure to a causative agent.

(b) Control of threshold toxics is based upon animal testing or epidemiological studies that report no- or lowest-observed adverse effect levels of the substance (NOAEL or LOAEL). In evaluating a particular toxic, toxicologists weigh the merits of all the tests, and choose, in their best professional judgment, the safe level. By applying standard margins of safety to the NOAEL, extrapolations from the laboratory animals to humans (factor of 10), for sensitive subpopulations (10), and from short-term to chronic studies (10) can be taken into account. An additional factor of 10 is used if only a LOAEL is available. Modifying factors (1-10), which account for deficiencies in the toxicity studies, are also considered in determining an acceptable exposure level. The current term for this acceptable level is reference dose (RfD); it was previously called the acceptable daily intake (ADI). The RfD is adjusted for protection of an average (70 Kg) person. It is then divided by expected exposure condition to result in an applicable criterion. Except as provided in § 16.61(b)(2) (relating to special provisions for the Great Lakes System), exposure conditions by means of water include 2 liters per day of drinking water and consumption of 17.5 grams of fish per day. Bioconcentration of toxics in edible portions of fish is accounted for by use of bioconcentration factors (BCF). BCF is the ratio in liters per kilogram of a substance's concentration in tissues of an aquatic organism to its concentration in the ambient water.

(c) The Department will establish criteria for threshold toxics in accordance with the following guidelines:

(1) If the EPA has developed criteria, the Department will evaluate and accept the criteria when it is determined that they are adequate to protect the designated water uses.

(2) If the EPA criteria have been evaluated, and have been determined to be inadequate to protect designated uses, or when no criteria have been developed for a substance identified or expected in a discharge, the Department will develop criteria following EPA's standard toxicological procedures outlined in the Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (EPA-822-B-00-004, October 2000) and the *National Recommended Water Quality Criteria* (EPA-822-H-04-001, 2004), as amended and updated or Exhibit 3-1 of the Water Quality Standards Handbook, Second Edition, EPA 823-0-94-005A, August, 1994, as amended and updated.

(3) If no data are available to characterize the human health hazard of a chemical, no criterion will be developed. A criterion to protect the next most sensitive use will be used. A threshold criterion will be developed at a future date if information becomes available.

(d) The sources the Department uses to obtain relevant risk assessment values for protection for threshold level toxic effects to human health are as follows:

(1) Verified reference doses, listed in the EPA agency-wide supported data system known as IRIS (Integrated Risk Information System) and other EPA approved data sources referred through IRIS.

(2) Maximum Contaminant Level Goals.

(3) The EPA's CWA § 304(a) health criteria listed under the National Toxics Rule in 40 CFR 131.36 (57 FR 80848, December 22, 1992) (relating to toxics criteria for those States not complying with Clean Water Act section 303(c)(2)(B)), as amended and updated and other final criteria published by the EPA and the Great Lakes Initiative Clearinghouse.

(4) Teratology and other data that have been peer-reviewed may provide information for criteria development.

§ 16.33. Nonthreshold effects (cancer).

(a) A nonthreshold effect is defined as an adverse impact, including cancer, for which no exposure greater than zero assures protection to the exposed individual. Thus, in contrast to the threshold concept discussed in § 16.32 (relating to threshold level toxic effects), the nonthreshold approach to toxics control is based upon the premise that there is no safe concentration of the toxic.

(b) The Department has determined that the regulation of carcinogens from a water quality perspective in accordance with the procedure specified in the following subsections will adequately and reasonably protect human health.

(c) The Department accepts the evaluation and extrapolation modeling used by the EPA to quantitate the carcinogenic risk of particular chemicals. Cancer risk level criteria are, therefore, adaptations of the EPA's cancer potency (slope) factors. Criteria based on cancer risk levels are average lifetime exposure values.

(d) The Department's water quality toxics management program controls carcinogens to an overall risk management level of one excess case of cancer in a population of one million (1×10^{-6}). Expressing this another way, the probability of an individual getting cancer from an ambient water exposure to a carcinogen is increased by a

factor of one in one million. This level appears to be protective of human health to a significant degree when compared to other risks encountered in life.

(e) The Department uses a 1×10^{-6} cancer risk level as specified in § 93.8a(d) (relating to water quality criteria for toxic substances). Attainment of this risk level is predicated on exposure that includes drinking 2 liters of water and ingesting 17.5 grams of fish per day over a 70-year lifetime, except as provided in § 16.61(b)(2) (relating to special criteria for the Great Lakes Systems). Bioaccumulation of carcinogenic toxics in edible portions of fish are accounted for by use of bioaccumulation factors (BAFs).

(f) The Department will use the following guidelines in establishing criteria for nonthreshold toxics:

(1) The determination as to whether a substance is a carcinogen will be its identification by the EPA.

(2) For toxics for which (cancer potency) slope factors have been developed as evidenced by listing on IRIS the Department will either use the EPA developed criteria or will develop criteria based upon these potency factors using the Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (EPA-822-B-00-004, October 2000) and the *National Recommended Water Quality Criteria* (EPA-822-H-04-001, 2004), as amended and updated or EPA's Standard Toxicological Procedures outlined in Exhibit 3-2 of the *Water Quality Standards Handbook*, Second Edition, EPA 823-0-94-005A, August, 1994, as amended and updated.

(3) For carcinogens or suspected carcinogens for which cancer potency (slope) factors have not been developed, the Department will use an additional margin of safety (factor of 10) with threshold toxicity data to develop a protective health criterion.

CRITERIA MODIFICATION

§ 16.41. Changes and additions.

The criteria in Chapter 93, Table 5 and site-specific criteria in Appendix A, Table 1A for toxic substances are based on the best scientific information currently available. These criteria may, however, be added to or modified if the Department determines upon evaluation of new scientific findings and information that a change is warranted. Submittal of data and information will be considered by the Department for this purpose. Site-specific criteria development will be performed in accordance with § 93.8d (relating to development of site-specific water quality criteria). Changes and additions to the tables will be published in the *Pennsylvania Bulletin*.

WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

§ 16.51. Human health and aquatic life criteria.

(a) Appendix A, Table 1A and Chapter 93, Table 5 list the human health and aquatic life criteria for toxic substances which the Department uses in development of effluent limitations in NPDES Permits and for other purposes. Appendix A, Table 1A lists site-specific human health and aquatic life criteria that have been developed or reviewed and approved by the Department. The human health criteria, which include exposures from drinking water and fish consumption, are further defined as to the specific effect (that is, cancer or threshold health effects). For those aquatic life criteria which are hardness related and specified as a formula, such as several of the heavy metals, the Department will use the specific hardness of the receiving stream after mixing with the waste discharge in calculating criteria on a case-by-case basis. The priority pollutant numbers (PP NO) used by the EPA to

identify priority pollutants are included in Table 1A for reference purposes. Some of these criteria may be superseded for the Delaware Estuary, Ohio River Basin, Lake Erie Basin, and Genesee River Basin under interstate and international compact agreements with the Delaware River Basin Commission, Ohio River Valley Sanitation Commission and International Joint Commission respectively. The toxics substances in Chapter 93, Table 5 without a PP NO are state-derived criteria. The criteria in Appendix A, Table 1A and Chapter 93, Table 5 do not apply to the Great Lakes System. Water quality criteria for the Great Lakes System are contained in § 93.8e, Tables 6 and 7 (relating to special criteria for the Great Lakes System). Criteria may be developed for the Great Lakes System for substances other than those listed in Table 6 under the methodologies in § 16.61 (relating to special provisions for the Great Lake System).

(b) If the Department determines that the natural quality of a surface water segment is of lower quality than the applicable criteria listed in Chapter 93, Table 5, the natural quality shall constitute the aquatic life criterion for that segment. All draft natural quality determinations shall be published in the *Pennsylvania Bulletin* and be subject to a minimum 30 day comment period. The Department will maintain a publicly available list of surface waters and parameters where this subsection applies, and will, from time to time, submit appropriate amendments to these chapters.

GREAT LAKES SYSTEM

§ 16.61. Special provisions for the Great Lakes System.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

BAF—Bioaccumulation Factor—The ratio in liters per kilogram of a substance's concentration in tissues of an aquatic organism to its concentration in the ambient water, when both the organism and its food are exposed and the ratio does not change substantially over time.

BCC—Bioaccumulative Chemical of Concern—A chemical that has the potential to cause adverse effects which, upon entering the surface waters, by itself or its toxic transformation product, accumulates in aquatic organisms by a human health BAF greater than 1,000, after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, under the methodology in 40 CFR Part 132 Appendix B (relating to Great Lakes Water Quality Initiative). Current BCCs are listed in 40 CFR 132.6, Table 6 (relating to pollutants of initial focus in the Great Lakes Water Quality Initiative).

Great Lakes System—The streams, rivers, lakes and other bodies of surface water within the drainage basin of the Great Lakes in this Commonwealth.

(b) *Water quality criteria for the Great Lakes System.*

(1) *Aquatic life criteria.* Aquatic life criteria for toxic substances in the Great Lakes System will be developed under the methodologies in § 16.22 (relating to criteria development) to the extent they are consistent with 40 CFR Part 132, Appendix A (relating to Great Lakes Water Quality Initiative methodologies for developments of aquatic life values). If there are insufficient data to develop aquatic life criteria for a toxic substance identified in a discharge into these waters, the Department will develop or require a discharger to develop, subject to Department approval, protective aquatic life values using the methodologies in 40 CFR Part 132, Appendix A and

guidance issued by the Department. For non-BCCs, WETT may be used in lieu of Tier II values to determine aquatic toxicity.

(2) *Human health criteria.* Human health criteria for the Great Lakes System will be developed using the methods in §§ 16.32 and 16.33 (relating to threshold level toxic effects; and nonthreshold effects (cancer)), except that fish consumption is 15 grams per day. If there are insufficient data to develop human health threshold criteria for a toxic substance identified in a discharge into these waters, the Department will develop, or require the discharger to develop, subject to Department approval, protective human health values using the methodologies in 40 CFR Part 132, Appendix C, Section III, as it relates to Tier II values, and guidance issued by the Department.

(3) *BAFs.* Human health criteria for BCCs will be developed under the methodologies in 40 CFR Part 132, Appendix B relating to bioaccumulation factors, and will be listed by the EPA in the GLI Clearinghouse. Because substances other than BCCs (Non-BCCs) bioaccumulate to a much lesser degree, BAFs for Non-BCCs are similar to bioconcentration factors (BCFs). Field measured BAFs, or BAFs equal to BCFs will be used for the development of non-BCC criteria in the Great Lakes.

(4) *Additional requirements.* Additivity of toxic effects for chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans will be accounted for under 40 CFR Part 132, Appendix F, Procedure 4 (relating to Great Lakes Water Quality Initiative implementation procedures).

(c) *Minimum protections.* The Department will follow guidance that is as protective as the final water quality guidance for the Great Lakes System at 40 FR 15366 (March 23, 1995), as updated and amended.

Subchapter B. ANALYTICAL METHODS AND DETECTION LIMITS FOR TOXIC SUBSTANCES GENERAL PROVISIONS

§ 16.101. Introduction.

(a) This subchapter contains information on the final EPA guidelines establishing test procedures for the analysis of priority pollutants under the Federal Water Pollution Control Act, known as the Clean Water Act (33 U.S.C.A. §§ 1251—1376). The procedures of analysis for the organic compounds are contained in 40 CFR 136 (relating to guidelines establishing test procedures). Procedures for inorganic substances are cited in this source, but details are found elsewhere. Analytical procedures for free cyanide are approved by the Department and are contained in Appendix A, Table 2A.

(b) This information provides the expected levels of analytical detectability for toxic priority pollutants. It is intended as a basis for review of NPDES application forms, and for establishing appropriate detection limits and methods of analysis to accompany final effluent limitations in permits.

(c) The Department recommends that clean techniques be employed as appropriate in collecting, handling, storing, preparing and analyzing samples. Clean techniques refer to methods that reduce contamination and enable the accurate and precise measurement of substances, and to related issues concerning detection limits, quality control and quality assurance. Clean techniques are those requirements or practices for sample collection and handling necessary to produce reliable analytical data to at least the microgram per liter (µg/l) or part per billion (ppb) range, or lower as required by the analytical method. The use of clean techniques reduces the incidence of overstatement of environmental concentrations of trace substances.

APPENDIX A

TABLE 1 [Reserved]

TABLE 1A

SITE-SPECIFIC WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

The following table contains water quality criteria that were developed based on a need for a site-specific water quality criterion, and according to the guidelines for criteria development, as contained in this chapter. The sources the Department of Environmental Protection (Department) uses to obtain relevant risk assessment values for these criteria include, but is not limited to, United States Environmental Protection Agency agency-wide supported data systems such as Integrated Risk Information System (IRIS) and ECOTOX; the Great Lakes' Tier II aquatic life criteria guidelines; and other nationally developed criteria as reviewed and approved by the Department for Statewide use. A criterion placed in this table will remain a site-specific criterion as originally developed and be incorporated into the appropriate portion of §§ 93.9a–93.9z that relates to “exceptions to specific criteria” unless, during rulemaking, it is determined that the same criteria has general Statewide applicability.

<i>Fish and Aquatic Life Criteria</i>									
<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (ug/l)</i>	<i>Criteria Maximum Concentration (ug/l)</i>	<i>Human Health Criteria (ug/l)</i>	<i>Health Effect</i>	<i>Drainage List</i>	<i>Water Body/County</i>	
-	1,4 Dioxane	123911	103000	515000	3.0	CRL	F	West Branch Perkiomen Creek, Berks County	
-	Acrylamide	79061	N/A	N/A	.008	CRL	S	Stump Creek, Henderson Township, Jefferson County	

Acronyms and Footnotes to Table 1A

- CAS—Chemical Abstract Service number
- CRL—Cancer risk level at 1×10^{-6}
- H—Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.
- ln [H]—Natural Logarithm of the Hardness of stream as mg/l CaCO_3
- ug/L—Micrograms per liter
- N/A—Criterion not developed
- PP NO—Priority Pollutant Number

TABLE 2A
APPROVED EPA ANALYTICAL METHODS AND
DETECTION LIMITS: INORGANICS

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (μ/l)</i>	<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (μ/l)</i>
— ALUMINUM (07429905)	3111 D (AA, flame)	NA	5M CHROMIUM VI (07440473)	3111 C (AA extraction)	NA
	3113 B (AA, furnace)	3		3120* ¹ (ICP)	7
	200.7 (ICP/AES)	20		218.6 (Ion Chromatography)	NA
	200.8 (ICP/MS)	1	— COBALT (07440484)	3111 B (AA, flame)	30
	200.9 (STGFAA)	7.8		3113 B (AA, furnace)	1
	3500 Al B* ¹ (Colorimetric)	6		200.7 (ICP/AES)	2
1M ANTIMONY (07440360)	D4190-94* ⁴ (DCP)	NA		200.8 (ICP/MS)	.09
	3111 B (AA, flame)	70		200.9 (STGFAA)	0.7
	3113 B (AA, furnace)	3		D4190-94, 99* ⁴ (DCP)	NA
	200.7 (ICP)	32	6M COPPER (07440508)	3111 B (AA, flame)	10
	200.8 (ICP/MS)	0.4		3113 B (AA, furnace)	1
	200.9 (STGFAA)	0.8		200.7 (ICP/AES)	3
2M ARSENIC (07440382)	3113 B (AA, furnace)	1		200.8 (ICP/MS)	0.5
	3114 B. d (AA, hydride)	NA		200.9 (STGFAA)	0.7
	3500 B (SDDC)	2		3500-Cu B* ¹ (Colorimetric)	3
	200.7 (ICP/AES)	8		3500-Cu C* ¹ (Colorimetric)	20
	200.8 (ICP/MS)	1.4		D4190-94, 99* ⁴ (DCP)	NA
	200.9 (STGFAA)	0.5	— IRON (07439921)	3111 B or C (AA, flame)	20
— BARIUM (14798084)	3111 D (AA, flame)	NA		3113 B (AA, furnace)	1
	3113 B (AA, furnace)	2		200.7 (ICP/AES)	30
	200.7 (ICP/AES)	1		200.9 (STGFAA)	NA
	200.8 ICP/MS	1.4		3500-Fe B* ¹ (Colorimetric)	10
	—* ³ (DCP)	NA		D4190-94, 99* ⁴ (DCP)	NA
			7M LEAD (07439921)	3111 B or C (AA, flame)	50
3M BERYLLIUM	3111 D (AA, flame)	NA		3113 B (AA, furnace)	1
	3113 B (AA, furnace)	0.2		200.7 (ICP/AES)	10
	200.7 (ICP/AES)	0.3		200.8 (ICP/MS)	0.6
	200.8 (ICP/MS)	0.3		200.9 (STFGAA)	0.7
	200.9 (STGFAA)	.02		3500-Pb B* ¹ (Colorimetric)	NA
	3500-Be D* ¹ (Colorimetric)	5		D3559-96, 03(C)* ⁴ (Voltametry)	NA
— BORON (07440428)	D4190-94, 99* ⁴ (DCP)	NA	— MAGNESIUM (07439954)	D4190-94, 99* ⁴ (DCP)	NA
	4500 B B (Colorimetric)	0.2		3111 B (AA, flame)	0.5
	200.7 (ICP/AES)	3		200.7 (ICP/AES)	20
4M CADMIUM (07440439)	D4190-94, 99* ⁴ (DCP)	NA	— MANGANESE (07439965)	3500-Mg D* ¹ (Gravimetric)	NA
	3111 B OR C (AA, flame)	3		—* ³ (DCP)	NA
	3113 B (AA, furnace)	0.1		3111 B (AA, flame)	10
	200.7 (ICP/AES)	1		3113 B (AA, furnace)	0.2
	200.8 (ICP/MS)	0.5		200.7 (ICP/AES)	1
	200.9 (STGFAA)	.05		200.8 (ICP/MS)	0.1
5M CHROMIUM TOTAL (07440473)	3500-Cd D* ¹ (Colorimetric)	0.5		200.9 (STGFAA)	0.3
	D3557-95, 02(C)* ⁴ (Voltametry)	NA	8M MERCURY (07439976)	3500-Mn B* ¹ (Colorimetric)	6
	D4190-94, 99* ⁴ (DCP)	NA		8034-* ² (Colorimetric)	NA
	3111 B (AA, flame)	20		D4190-94, 99* ⁴ (DCP36)	NA
	3113 B (AA, furnace)	2		245.1 (Cold vapor, Man)	0.2
	3111 C (AA, extraction)	N/A		245.2 (Cold vapor, Auto)	0.2
	200.7 (ICP/AES)	4		245.7 (CVAFS)	NA
	200.8 (ICP/MS)	0.9	— MOLYBDENUM (07439987)	1631 E (Purge and Trap CVAFS)	0.0002
	200.9 (STGFAA)	0.1		3111 D (AA, flame)	NA
	D4190-94, 99* ⁴ (DCP)	NA		3113 B (AA, furnace)	1
	3500-Cr B* ¹ (Colorimetric)	NA		200.7 (ICP/AES)	4
				200.8 (ICP/MS)	0.3

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (μ/l)</i>	<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (μ/l)</i>
9M NICKEL (07440020)	3111 B or C (AA, flame)	20	14M CYANIDE, TOTAL (00057125)	4500-CN D* ¹ (Titrimetric)	1000
	3113 B (AA, furnace)	1		4500-CN E (Spectrophometric)	20
	200.7 (ICP/AES)	5		335.4 (Color., Auto)	5
	200.8 (ICP/MS)	0.5		—(DEP Free CN method, Auto)	1
	200.9 (STGFAA)	0.6	** CYANIDE, 14M FREE (00057125)	Not EPA approved 4500-CN I* ¹	NA
	3500-Ni D* ¹ (Colorimetric)	NA		Not EPA approved 335.1 (Amenable to Chlor.)	NA
10M SELENIUM (07782492)	D4190-94, 99* ⁴ (DCP)	NA		420.1 (4AAP, Manual)	5
	3113 B (AA, furnace)	2		420.4 (4AAP, Auto)	2
	200.7 (ICP/AES)	20	PHENOLS TOTAL		
	200.8 (ICP/MS)	7.9			
	200.9 (STGFAA)	0.6			
11M SILVER (07440224)	3114B* ¹ (AA, gaseous hydride)	2	* Not an EPA developed method, but approved by EPA Source is:		
	3111 B or C (AA, flame)	10	¹ —Standard Methods for the Examination of Water and Wastewater, 20th Edition. APHA-AWWA-WEF, 1998. The approved methods may also be found in Standard Meth- ods for the Examination of Water and Wastewater, 18th or 19th Editions, but with different identifying numbers. For Selenium, the method number quoted is from the 19th Edition.		
	3113 B (AA, furnace)	0.2	² —Hach Handbook of Wastewater Analysis. 1979.		
	200.7 (ICP/AES)	2	³ —Direct Current Plasma (DCP) Optical Emission Spec- trometric Method for Trace Elemental Analysis of Water and Wastes, Method AES0029. Applied Research Labora- tories, Inc., 1986—Revised 1991.		
	200.8 (ICP/MS)	0.1	⁴ —ASTM Annual Book of Standards, Section 11, Water. American Society for Testing and Materials, 1999.		
	200.9 (STGFAA)	0.6	** EPA currently measures "total cyanide" to satisfy cya- nide limits and has not yet approved analytical methods for "free cyanide." Free cyanide is a DEP required analy- sis, and either of the three listed methods are acceptable for its determination.		
12M THALLIUM (07440280)	—* ³ (DCP)	NA	NOTE: Metal samples are to be unfiltered and predi- gested for measurement of the total recoverable (not dissolved) fraction. Samples for dissolved measurement are to be field filtered.		
	3111 B (AA, flame)	NA			
	279.2 (AA, furnace)	1			
	200.7 (ICP/AES)	1			
— TIN (07440315)	200.8 (ICP/MS)	0.3			
	200.9 (STGFAA)	0.7			
	3111 B (AA, flame)	800			
	3113 B (AA, furnace)	5			
— TITANIUM (07440326)	200.7 (ICP/AES)	7			
	200.9 (STGFAA)	1.7			
	3111 D (AA, flame)	400			
	283.2 (AA, furnace)	10			
13M ZINC (07440666)	—* ³ (DCP)	NA			
	200.7 (ICP/AES)	2			
	3500-Zn E* ¹ (Colorimetric)	1			
	3500-Zn B* ¹ (Colorimetric)	20			
	289.2 (AA furnace)	.05			
	200.8 (ICP/MS)	1.8			
	D4190-94, 99* ⁴ (DCP)	NA			

TABLE 2B

APPROVED EPA ANALYTICAL METHODS AND DETECTION LIMITS: ORGANICS

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (μ/l)</i>
1A	2-CHLOROPHENOL (00095578)	
	604—GC/FID	0.31
	604—GC/ECD	0.58
	625—GC/MS	3.3
2A	1625B—GC/MS(isotope)	10
	604—GC/FID	0.39
	604—GC/ECD	0.68
	625—GC/MS	2.7
	1625B—GC/MS(isotope)	10

<i>Parameter (CAS)</i>		<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (μ/l)</i>
3A	2,4-DIMETHYLPHENOL (00105679)	604—GC/FID 604—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.32 0.63 2.7 10
4A	4,6-DINITRO-o-CRESOL (00534521)	604—GC/FID 604—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	16.0 NA 24 20
5A	2,4-DINITROPHENOL (00051285)	604—GC/FID 604—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	13.0 NA 42 50
6A	2-NITROPHENOL (00088755)	604—GC/FID 604—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.45 0.77 3.6 20
7A	4-NITROPHENOL (00100027)	604—GC/FID 604—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	2.8 0.70 2.4 50
8A	p-CHLORO-m-CRESOL (00059507)	604—GC/FID 604—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.36 1.8 3.0 10
9A	PENTACHLOROPHENOL (00087865)	604—GC/FID 604—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	7.4 0.59 3.6 50
10A	PHENOL (00108952)	604—GC/FID 604—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.14 2.2 1.5 10
11A	2,4,6-TRICHLOROPHENOL (00088062)	604—GC/FID 604—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.64 0.58 2.7 10
1V	ACROLEIN ⁽¹⁾ (00107028)	603—GC/FID 624—GC/MS 1624B—GC/MS(isotope)	0.7 NA 50
2V	ACRYLONITRILE ⁽¹⁾ (00107131)	603—GC/FID 624—GC/MS 1624B—GC/MS(isotope)	0.5 NA 50
3V	BENZENE (00071432)	602—GC/PID 624—GC/MS 1624B—GC/MS(isotope)	0.20 4.4 10
5V	BROMOFORM (00075252)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.20 4.7 10
6V	CARBON TETRACHLORIDE (00056235)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.12 2.8 10
7V	CHLOROBENZENE (00108907)	601—GC/Hal. 602—GC/PID 624—GC/MS 1624B—GC/MS(isotope)	0.25 0.20 6.0 10
8V	CHLORODIBROMOMETHANE (00124481)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.09 3.1 10

<i>Parameter (CAS)</i>		<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (μ/l)</i>
9V	CHLOROETHANE (00075003)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.52 NA 50
10V	2-CHLOROETHYL VINYL ETHER (00110758)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.13 NA 10
11V	CHLOROFORM (00067663)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.05 1.6 10
12V	DICHLOROBROMOMETHANE (00075274)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.10 2.2 10
14V	1,1-DICHLOROETHANE (00075343)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.07 4.7 10
15V	1,2-DICHLOROETHANE (00107062)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.03 2.8 10
16V	1,1-DICHLOROETHYLENE (00075354)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.13 2.8 10
17V	1,2-DICHLOROPROPANE (00078875)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.04 6.0 10
18V	1,3-DICHLOROPROPYLENE (00542756) (cis—10061-01-5) (trans—10061-02-6)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.34-cis 0.20-trans 5.0-cis 10-trans
19V	ETHYLBENZENE (00100414)	602—GC/PID 624—GC/MS 1624B—GC/MS(isotope)	0.20 7.2 10
20V	METHYL BROMIDE (00074839)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	1.18 NA 50
21V	METHYL CHLORIDE (00074873)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.08 NA 50
22V	METHYLENE CHLORIDE (00075092)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.25 2.8 10
23V	1,1,2,2-TETRACHLOROETHANE (00079345)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.03 6.9 10
24V	TETRACHLOROETHYLENE (00127184)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.03 4.1 10
25V	TOLUENE (00108883)	602—GC/PID 624—GC/MS 1624B—GC/MS(isotope)	0.20 6.0 10
26V	1,2-trans-DICHLOROETHYLENE (00156605)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.10 1.6 10
27V	1,1,1-TRICHLOROETHANE (00071556)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.03 3.8 10

<i>Parameter (CAS)</i>		<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (μ/l)</i>
28V	1,1,2-TRICHLOROETHANE (00079005)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.02 5.0 10
29V	TRICHLOROETHYLENE (00079016)	601—GC/Hal. 624—GC/MS 1624B—GC/MS(isotope)	0.12 1.9 10
31V	VINYL CHLORIDE (00075014)	601—GC/Hal 624—GC/MS 1624B—GC/MS(isotope)	0.18 NA 10
1B	ACENAPHTHENE (00083329)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 1.8 1.9 10
2B	ACENAPHTHYLENE (00208968)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 2.3 3.5 10
3B	ANTHRACENE (00120127)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.66 1.9 10
4B	BENZIDINE ⁽²⁾ (00092875)	625—GC/MS 1625B—GC/MS(isotope)	44 50
5B	BENZO(a)ANTHRACENE (00056553)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.013 7.8 10
6B	BENZO(a)PYRENE (00050328)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.023 2.5 10
7B	3,4-BENZOFLUORANTHENE (00205992)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.018 4.8 10
8B	BENZO(ghi)PERYLENE (00191242)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.076 4.1 20
9B	BENZO(k)FLUORANTHENE (00207089)	610—GC/FID 625—GC/MS 1625B—GC/MS(isotope)	NA 0.017 2.5 10
10B	BIS(2-CHLOROETHOXY) METHANE (00111911)	611—GC/Hal. 625—GC/MS 1625B—GC/MS(isotope)	0.5 5.3 10
11B	BIS(2-CHLOROETHYL) ETHER (00111444)	611—GC/Hal. 625—GC/MS 1625B—GC/MS(isotope)	0.3 5.7 10
12B	BIS(2-CHLOROISOPROPYL) ETHER (39638329)	611—GC/Hal. 625—GC/MS 1625B—GC/MS(isotope)	0.8 5.7 10
13B	BIS(2-ETHYLHEXYL) PHTHALATE (00117817)	606—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	2.0 2.5 10
14B	4-BROMOPHENYL PHENYL ETHER (00101553)	611—GC/Hal. 625—GC/MS 1625B—GC/MS(isotope)	2.3 1.9 10

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (μ/l)</i>
15B BUTYLBENZYL PHTHALATE (00085687)	606—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.34 2.5 10
16B 2-CHLORONAPHTHALENE (00091587)	612—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.94 1.9 10
17B 4-CHLOROPHENYL PHENYL ETHER (07005723)	611—GC/Hal. 625—GC/MS 1625B—GC/MS(isotope)	3.9 4.2 10
18B CHRYSENE (00218019)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.15 2.5 10
19B DIBENZO(a,h) ANTHRACENE (00053703)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.030 2.5 20
20B 1,2-DICHLOROBENZENE (00095501)	601—GC/Hal. 602—GC/PID 624—GC/MS 1625B—GC/MS(isotope)	0.15 0.40 NA 10
21B 1,3-DICHLOROBENZENE (00541731)	601—GC/Hal. 602—GC/PID 624—GC/MS 1625B—GC/MS(isotope)	0.32 0.40 NA 10
22B 1,4-DICHLOROBENZENE (00106467)	601—GC/Hal. 602—GC/PID 624—GC/MS 1625B—GC/MS(isotope)	0.24 0.30 NA 10
23B 3,3'-DICHLOROBENZIDINE ⁽²⁾ (00091941)	605—HPLC 625—GC/MS 1625B—GC/MS(isotope)	0.13 16.5 50
24B DIETHYL PHTHALATE (00084662)	606—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.49 1.9 10
25B DIMETHYL PHTHALATE (00131113)	606—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.29 1.6 10
26B DI-N-BUTYL PHTHALATE (00084742)	606—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.36 2.5 10
27B 2,4-DINITROTOLUENE (00121142)	609—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.02 5.7 10
28B 2,6-DINITROTOLUENE (00606202)	609—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.01 1.9 10
29B DI-N-OCTYL PHTHALATE (00117840)	606—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	3.0 2.5 10
30B 1,2-DIPHENYLHYDRAZINE (00122667)	625—GC/MS 1625B—GC/MS(isotope)	10 20
31B FLUORANTHENE (00206440)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.21 2.2 10

<i>Parameter (CAS)</i>		<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (μ/l)</i>
32B	FLUORENE (00086737)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.21 1.9 10
33B	HEXACHLOROBENZENE (00118741)	612—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.05 1.9 10
34B	HEXACHLOROBUTADIENE (00087683)	612—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.34 0.9 10
35B	HEXACHLOROCYCLOPENTA- DIENE ⁽³⁾ (00077474)	612—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.40 NA 10
36B	HEXACHLOROETHANE (00067721)	612—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.03 1.6 10
37B	INDEN0(1,2,3-cd)PYRENE (00193395)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.043 3.7 20
38B	ISOPHORONE (00078591)	609—GC/FID 609—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	5.7 15.7 2.2 10
39B	NAPHTHALENE (00091203)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 1.8 1.6 10
40B	NITROBENZENE (00098953)	609—GC/FID 609—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	3.6 13.7 1.9 10
41B	N-NITROSODIMETHYLAMINE ⁽⁴⁾ (00062759)	607—GC/N-PD 625—GC/MS 1625B—GC/MS(isotope)	0.15 NA 50
42B	N-NITROSODI-N-PROPYLAMINE (00621647)	607—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.46 NA 20
43B	N-NITROSODI-PHENYLAMINE ⁽⁴⁾ (00086306)	607—GC/N-PD 625—GC/MS 1625B—GC/MS(isotope)	0.81 1.9 20
44B	PHENANTHRENE (00085018)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.64 5.4 10
45B	PYRENE (00129000)	610—GC/FID 610—HPLC 625—GC/MS 1625B—GC/MS(isotope)	NA 0.27 1.9 10
46B	1,2,4-TRICHLORO-BENZENE (00120821)	612—GC/ECD 625—GC/MS 1625B—GC/MS(isotope)	0.05 1.9 10
1P	ALDRIN (00309002)	608 - GC/ECD 625 - GC/MS	0.004 1.9
2P	alpha-BHC ⁽⁵⁾ (00319846)	608 - GC/ECD 625 - GC/MS	0.003 NA

Parameter (CAS)		Method Number (Description) *Source	Detection Limit (MDL) (μ/l)
3P	beta-BHC (00319857)	608 - GC/ECD 625 - GC/MS	0.006 4.2
4P	gamma-BHC ⁽⁵⁾ (LINDANE) (00058899)	608 - GC/ECD 625 - GC/MS	0.004 NA
5P	delta-BHC (00319868)	608 - GC/ECD 625 - GC/MS	0.009 3.1
6P	CHLORDANE (00057749)	608 - GC/ECD 625 - GC/MS	0.014 NA
7P	4,4'-DDT (00050293)	608 - GC/ECD 625 - GC/MS	0.012 4.7
8P	4,4'-DDE (00072559)	608 - GC/ECD 625 - GC/MS	0.004 5.6
9P	4,4'-DDD (00072548)	608 - GC/ECD 625 - GC/MS	0.011 2.8
10P	DIELDRIN (00060571)	608 - GC/ECD 625 - GC/MS	0.002 2.5
11P	alpha-ENDOSULFAN ⁽⁵⁾ (00095988)	608 - GC/ECD 625 - GC/MS	0.014 NA
12P	beta-ENDOSULFAN ⁽⁵⁾ (33212659)	608 - GC/ECD 625 - GC/MS	0.004 NA
13P	ENDOSULFAN SULFATE (01031078)	608 - GC/ECD 625 - GC/MS	0.066 5.6
14P	ENDRIN ⁽⁵⁾ (00072208)	608 - GC/ECD 625 - GC/MS	0.006 NA
15P	ENDRIN ALDEHYDE (07421934)	608 - GC/ECD 625 - GC/MS	0.023 NA
16P	HEPTACHLOR (00076448)	608 - GC/ECD 625 - GC/MS	0.003 1.9
17P	HEPTACHLOR EPOXIDE (01024573)	608 - GC/ECD 625 - GC/MS	0.083 2.2
18P	PCB-1242 (53469219)	608 - GC/ECD 625 - GC/MS	0.065 NA
19P	PCB-1254 (11097691)	608 - GC/ECD 625 - GC/MS	NA 36

<i>Parameter (CAS)</i>		<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (μ/l)</i>
20P	PCB-1221 (11104282)	608 - GC/ECD 625 - GC/MS	NA 30
21P	PCB-1232 (11141165)	608 - GC/ECD 625 - GC/MS	NA NA
22P	PCB-1248 (12672296)	608 - GC/ECD 625 - GC/MS	NA NA
23P	PCB-1260 (11096825)	608 - GC/ECD 625 - GC/MS	NA NA
24P	PCB-1016 (12674112)	608 - GC/ECD 625 - GC/MS	NA NA
25P	TOXAPHENE (08001352)	608 - GC/ECD 625 - GC/MS	0.24 NA
PP	2,3,7,8-TCDD (01746016)	613 - GC/MS	0.002

NA = Not available.

(1)—If acrolein and/or acrylonitrile is expected, use method 603 as screening method.

(2)—EPA says "When Benzidine is known to be present, screen with EPA 605." However, because HPLC is a generally unavailable procedure at this time, GC-MS enhanced to achieve a detection level more sensitive than the EPA's MDL can be used. Permit monitoring requirements for these two chemicals can also be set using EPA 625 as an acceptable analytical procedure.

(3)—When Hexachlorocyclopentadiene is known to be present, screen with EPA 612.

(4)—When N-Nitrosodimethylamine and/or N-Nitrosodiphenylamine are known to be present, screen with EPA 607.

(5)—When alpha-BHC, gamma-BHC (Lindane) alpha-Endosulfan (I), beta-Endosulfan (II) and/or Endrin are known to be present, screen with EPA 608.

TABLE 3
DESCRIPTION OF EPA METHODS FOR THE ANALYSIS OF PRIORITY POLLUTANT ORGANICS

<i>EPA Method Number</i>	<i>Description of Method</i>	<i>Types of Compounds Analyzed</i>
601	Gas chromatography (GC) using purge and trap system with halide specific detector (HAL).	29 Purgeable Halocarbons (Volatile fraction)
602	Gas chromatography using purge and trap system photorization detector (PED).	Purgeable aromatics (4 Volatiles 3 base/neutrals)
603	Gas chromatography using purge and trap system with flame ionization detector (FID).	Acrolein Acrylonitrile
604	Gas chromatography preceded by extraction, using a flame ionization detector.	Acid extractable fraction (10 phenols)
605	High performance liquid chromatography (HPLC) preceded by acid-back extraction with electrochemical detector.	Benzidine 3,3'-Dichlorobenzidine
606	Gas chromatography preceded by extraction using a flame ionizer or electron capture detector (ECD).	6 Phthalate esters
607	Gas chromatography preceded by extraction using a nitrogenphosphorous detector.	N-Nitrosodimethylamine N-Nitrosodi-n-propylamine N-Nitrosodiphenylamine

<i>EPA Method Number</i>	<i>Description of Method</i>	<i>Types of Compounds Analyzed</i>
608	Gas chromatography preceded by extraction and measured with a electron capture detector.	Pesticide fraction, including PCBs (25 cmpds)
609	Gas chromatography preceded by extraction using a flame ionization or electron capture detector.	2,4-Dinitrotoluene 2,6-Dinitrotoluene Isophorone Nitrobenzene
610	Extraction followed by separation by a) gas chromatography with flame ionization detector, or b) high performance liquid chromatography with ultraviolet (UV) or fluorescence detector.	16 Polynuclear aromatic hydrocarbons
611	Gas chromatography preceded by extraction using a halide specific detector.	5 Haloethers
612	Gas chromatography preceded by extraction using an electron capture detector.	9 chlorinated hydrocarbons
613	Gas chromatography preceded by extraction and measured with a mass spectrometer (MS)	2,3,7,8-TCDD
624	Gas chromatography, using purge and trap system, detected with a mass spectrometer.	Purgeable (volatile) fraction
625	Gas chromatography, preceded by separation via acid and basic extraction, detected with a mass spectrometer.	Acid and base/neutral fractions
1624	Volatile organic compounds by isotope dilution GC/MS.	Purgeable (volatile) fraction
1625B	Semivolatile organic compounds by isotope dilution GC/MS.	Acid and base/neutral fractions

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